

EXHIBIT “Z”

COPY

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SIXTH APPELLATE DISTRICT

Court of Appeal - Sixth App. Dist.

FILED

SEP 12 2007

MICHAEL J. YERLY, Clerk

In re FRED L. BAKER,
on Habeas Corpus.

H031782
(Monterey County
Super. Ct. No. HC4990)

By
DEPUTY

BY THE COURT:

The petition for writ of habeas corpus is denied.

(Bamattre-Manoukian, Acting P.J., Mihara, J., and McAdams, J.,
participated in this decision.)

Dated SEP 12 2007 BAMATTRE-MANOUKIAN, J. Acting P.J.

BOARD TRANSCRIPT

Board Transcript (BT)

SUBSEQUENT PAROLE CONSIDERATION HEARING

STATE OF CALIFORNIA

BOARD OF PRISON TERMS

In the matter of the Life)
Term Parole Consideration)
Hearing of:)

FRED BAKER (BABER))
_____)

CDC Number C-22918

COPY

INMATE

CORRECTIONAL TRAINING FACILITY

SOLEDAD, CALIFORNIA

SEPTEMBER 24, 2004

PANEL PRESENT:

SUSAN FISHER, Presiding Commissioner
ROLANDO MEJIA, Deputy Commissioner

OTHERS PRESENT:

FRED BAKER, Inmate
MARY ANN TARDIFF, Attorney for Inmate
SARA DANVILLE, Deputy District Attorney
VAL DIXON, Victim
STEPHANIE GARTHWAITE, Observer

CORRECTIONS TO THE DECISION HAVE BEEN MADE

_____ No
_____ Yes

See Review of Hearing
Transcript Memorandum

Patricia Ricci

Capitol Electronic Reporting

INDEX

	<u>Page</u>
Proceedings	1
Case Factors	10
Pre-Commitment Factors	19
Post-Commitment Factors	35
Parole Plans	27
Closing Statements	--
Recess	--
Decision	--
Adjournment	--
Transcriber Certification	85

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P R O C E E D I N G S

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
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DEPUTY COMMISSIONER MEJIA: We're now on record.

PRESIDING COMMISSIONER FISHER: All right, thank you. This is going to be a Subsequent Parole Consideration Hearing for Fred Baker, CDC number C-22918. Today's date is 9/24/04 and we're located at the California [sic] Training Facility at Soledad. Inmate was received on 11/6/80 from Riverside County. The life term began on 7/31/87 and a minimum eligible parole date of 7/31/94. The controlling offense for which the inmate was committed is kidnap for robbery, case number CR17643, count six, Penal Code Section 209, with an additional finding of use of a firearm, Penal Code Section 12022.5, count eight, which is assault with intent to commit murder, and count one, which is Penal Code Section 211, robbery. There is a finding of use of a firearm in that count also. Counts two, three, four, five, and seven were all stayed. Inmate received a term of seven years to life with a two-year enhancement. And the minimum eligible parole date, once again, is 7/31/94. Mr. Baker, we're going to tape record the hearing so for the purpose of voice identification we're going to state our first and last name and spell our last name. When we get to you would you give us your

1 CDC number, please.

2 **INMATE BAKER:** Yes, Ma'am.

3 **PRESIDING COMMISSIONER FISHER:** Okay, thank
4 you. I'm going to start with myself and go to my
5 left, and for those of you who are on video
6 conference, once we have had everyone in the room
7 here identify themselves, I'd like for you to also
8 identify yourselves for the record, all right.

9 **MS. GARTHWAITE:** Okay.

10 **PRESIDING COMMISSIONER FISHER:** Thank you.

11 All right, once again I'll start with myself and go
12 to my left. Susan Fisher, F-I-S-H-E-R,
13 Commissioner.

14 **DEPUTY COMMISSIONER MEJIA:** Rolando Mejia,
15 M-E-J-I-A, Deputy Commissioner.

16 **DEPUTY DISTRICT ATTORNEY DANVILLE:** Sara
17 Danville, D-A-N-V-I-L-L-E, Deputy District
18 Attorney, Riverside County.

19 **ATTORNEY TARDIFF:** Mary Ann Tardiff,
20 T-A-R-D-I double F, attorney for Mr. Baker.

21 **INMATE BAKER:** Fred Baker, B-A-K-E-R,
22 C-22918.

23 **PRESIDING COMMISSIONER FISHER:** Thank you.
24 Go ahead.

25 **MR. DIXON:** Val Dixon, D-I-X-O-N.

26 **MS. GARTHWAITE:** Stephanie Garthwaite,
27 G-A-R-T-H-W-A-I-T-E, just for technical support.

1 **PRESIDING COMMISSIONER FISHER:** Okay, thank
2 you. Okay, before we can go any further, Mr.
3 Dixon, I need to ask you to read that --

4 **INMATE BAKER:** Baker.

5 **PRESIDING COMMISSIONER FISHER:** I'm sorry,
6 Mr. Baker, if you'd read that Americans with
7 Disabilities Act for me, and just read it out loud
8 into the record.

9 **INMATE BAKER:** "The Americans with
10 Disabilities Act, ADA, is a law to
11 help people with disabilities.
12 Disabilities are problems that make
13 it harder for some people to see,
14 hear, breathe, talk, walk, learn,
15 think, work, or take care of
16 themselves than it is for others.
17 Nobody can be kept out of public
18 places or activities because of a
19 disability. If you have a disability
20 you have the right to ask for help to
21 get ready for your BPT hearing, get
22 to the hearing, talk, read forms and
23 papers, and understand the hearing
24 process. BPT will look at what you
25 ask for to make sure that you have a
26 disability that is covered by the ADA
27 and that you have asked for the right

1 kind of help. If you do not get help
2 or if you don't think you got the
3 kind of help you need, ask for a BPT
4 1074 Grievance Form. You can also
5 get help to fill it out."

6 **PRESIDING COMMISSIONER FISHER:** Thank you.
7 Do you understand that?

8 **INMATE BAKER:** Yes, Ma'am, I do.

9 **PRESIDING COMMISSIONER FISHER:** All right.
10 I do want to note for the record that on April
11 14th, 2004, Mr. Baker did sign the BPT 1073 Form
12 stating that he has no disabilities. And I just
13 have a few specific questions that I have to ask
14 you before we can move forward. Do you have any
15 problems walking up and down stairs or walking
16 distances of 100 yards or more?

17 **INMATE BAKER:** No, Ma'am.

18 **PRESIDING COMMISSIONER FISHER:** Do you need
19 glasses in order to read documents?

20 **INMATE BAKER:** No, Ma'am.

21 **PRESIDING COMMISSIONER FISHER:** Do you have
22 any hearing impairments?

23 **INMATE BAKER:** No, Ma'am.

24 **PRESIDING COMMISSIONER FISHER:** Have you
25 ever been included in the Triple CMS or EOP
26 Programs?

27 **INMATE BAKER:** No, Ma'am.

1 **PRESIDING COMMISSIONER FISHER:** Ever taken
2 any psych meds?

3 **INMATE BAKER:** No. No, Ma'am, excuse me.

4 **PRESIDING COMMISSIONER FISHER:** Prior to
5 this offense and prior to coming to prison for this
6 offense, how far did you get in school?

7 **INMATE BAKER:** Eleventh grade.

8 **PRESIDING COMMISSIONER FISHER:** Okay. Is
9 there any disability that you suffer from that
10 would prevent you from participating today in the
11 hearing?

12 **INMATE BAKER:** No, there isn't, Commissioner
13 Fisher.

14 **PRESIDING COMMISSIONER FISHER:** Okay. This
15 hearing is being conducted pursuant to Penal Code
16 Sections 3041 and 3042 and the Rules and
17 Regulations of the Board of Prison Terms governing
18 parole consideration hearings for life inmates.
19 And as you know, the purpose of the hearing today
20 is to consider again the crimes that you were
21 committed for, your prior criminal and social
22 history, and your behavior and programming since
23 your commitment offense. We have had the
24 opportunity to review your files and your prior
25 transcripts, and we'll give you the opportunity to
26 make any corrections that you need to today, all
27 right.

1 **INMATE BAKER:** Thank you.

2 **PRESIDING COMMISSIONER FISHER:** We're going
3 to be deciding today as to your suitability. If we
4 do find you suitable today we'll explain to you
5 also today what the length of your confinement will
6 be.

7 **INMATE BAKER:** Yes, Ma'am.

8 **PRESIDING COMMISSIONER FISHER:** Prior to
9 recessing to deliberate we're going to give the
10 District Attorney and your attorney and you the
11 opportunity to make a statement about your
12 suitability. And then once you've done that we'll
13 allow Mr. Dixon to make his statement. After that
14 is completed we will have everyone leave the room.
15 We'll turn off the camera here and we'll
16 deliberate. As soon as we have a decision we'll
17 bring you all back in, okay.

18 **INMATE BAKER:** Yes, Ma'am.

19 **PRESIDING COMMISSIONER FISHER:** The
20 California Code of Regulations states that
21 regardless of time served a life inmate shall be
22 found unsuitable for and denied parole if in the
23 judgment of the Panel the inmate would pose an
24 unreasonable risk of danger to society if released
25 from prison. You do have certain rights relating
26 to this hearing. You have the right to a timely
27 notice of the hearing, the right to review your

1 Central File, and the right to present relevant
2 documents.

3 **INMATE BAKER:** Bless you.

4 **PRESIDING COMMISSIONER FISHER:** Ms. Tardiff,
5 have your client's rights been met thus far?

6 **ATTORNEY TARDIFF:** Yes.

7 **PRESIDING COMMISSIONER FISHER:** All right.
8 You also have the right to an impartial Panel.
9 Having seen your two Panel members today, do you
10 have any objections to your Panel?

11 **INMATE BAKER:** No, Ma'am, I don't.

12 **PRESIDING COMMISSIONER FISHER:** Okay, Ms.
13 Tardiff?

14 **ATTORNEY TARDIFF:** No objection.

15 **PRESIDING COMMISSIONER FISHER:** Okay. We're
16 going to give you a written copy today of our
17 tentative decision and that decision will be final
18 within 120 days. And then a copy of the decision
19 and a copy of the transcript of the hearing will be
20 sent to you. Are you familiar with the changes
21 just this year as to how you appeal Board
22 decisions?

23 **INMATE BAKER:** No, Ma'am, I'm not.

24 **PRESIDING COMMISSIONER FISHER:** Okay. Let
25 me just tell you as briefly as I can. There were
26 15 California Code of Regulations Sections that
27 were repealed. Those were 2050 through 2056. And

1 the current policy is in the Board's Administrative
2 Directive 0401 entitled Administrative Appeals,
3 Correspondence, and Grievances Concerning Board of
4 Prison Terms Decision. I told you that because
5 that's available in the prison library or through
6 your correctional counselor. Basically what it
7 boils down to is that appeals used to go directly
8 to the Board of Prison Terms on the 1040 Form.

9 **INMATE BAKER:** Yes.

10 **PRESIDING COMMISSIONER FISHER:** Now they go
11 directly to the courts, okay, so it's just a
12 different process.

13 **INMATE BAKER:** Thank you.

14 **PRESIDING COMMISSIONER FISHER:** I want to
15 remind you that you're not obligated today to
16 either admit or discuss the offense, but that this
17 Panel does accept the findings of the court to be
18 true.

19 **INMATE BAKER:** Yes, Ma'am.

20 **PRESIDING COMMISSIONER FISHER:** You
21 understand, all right. Okay, I'm going to pass my
22 Hearing Checklist to the two attorneys and make
23 sure that we all have the same paperwork.
24 Commissioner Mejia, do we have any confidential to
25 be used today?

26 **DEPUTY COMMISSIONER MEJIA:** None to be used
27 at this time. Yes, we do have the victim's impact

1 letters.

2 **PRESIDING COMMISSIONER FISHER:** Original
3 letters from the victims, all right.

4 **ATTORNEY TARDIFF:** Yes, I have these
5 documents, thank you.

6 **PRESIDING COMMISSIONER FISHER:** Do you have
7 anything else that needs to be submitted?

8 **ATTORNEY TARDIFF:** No.

9 **PRESIDING COMMISSIONER FISHER:** Okay. Any
10 preliminary objections?

11 **ATTORNEY TARDIFF:** No.

12 **DEPUTY DISTRICT ATTORNEY DANVILLE:** I have
13 them as well.

14 **PRESIDING COMMISSIONER FISHER:** All right,
15 thank you. Is Mr. Baker going to be speaking with
16 us today?

17 **ATTORNEY TARDIFF:** Yes.

18 **PRESIDING COMMISSIONER FISHER:** Mr. Baker,
19 if you'll raise your right hand, I'm going to swear
20 you in. Do you solemnly swear or affirm that the
21 testimony you give at this hearing will be the
22 truth and nothing but the truth?

23 **INMATE BAKER:** I do.

24 **PRESIDING COMMISSIONER FISHER:** All right,
25 thank you. What I'm going to do, Mr. Baker, is I'm
26 going to read a summary of the crime into the
27 record and then I'm going to ask you to tell me in

1 your own words what happened, okay. And we'll just
2 go from there. I'm using the current Board Report,
3 or the 2002 Board Report. Why is it 2002, I know
4 why, there's no summary in the current one. I'm
5 using the 2002 Board Report under Summary of the
6 Crime.

7 **ATTORNEY TARDIFF:** No, there's, oh, okay,
8 you're going to use the --

9 **PRESIDING COMMISSIONER FISHER:** The longer
10 version, because I figure it's got to be closer to
11 the Probation Officer's Report, which is not
12 readable in its copied form. It's really bad.

13 "On 5/22/80 at approximately 1:30
14 a.m., Riverside County Sheriff's
15 Office was contacted by Joseph
16 Burger, that's B-U-R-G-E-R, who
17 reported his car stolen by two
18 females later identified as Bernice
19 Habbit, that's B-E-R-N-I-C-E capital
20 H-A-B-B-I-T, and Fred Baker,
21 disguised as a female. Both were
22 hitchhiking on -- I can only assume
23 it's Cajalio Road, it's
24 C-A-J-A-L-I-O. Burger stopped and
25 offered them a ride. A black male
26 then came from the opposite side of
27 the street and pointed a gun at him.

1 Burger was then pulled from the car
2 by the suspects. Subsequently his
3 wallet was also taken from him.
4 Burger got scared, jumped into a
5 ditch, and ran for his life as a shot
6 was fired by one of the suspects. As
7 he fled, the suspects took his red
8 Vega station wagon and left the area.
9 As this investigation was in process,
10 a report of a robbery at the Seven 11
11 Store at VanBurgen, B-U-R-G-E-N, and
12 Washington Streets was received. The
13 suspect vehicle was a red Vega
14 station wagon. At approximately two
15 a.m. Bernice Habbit went to the Seven
16 11 Store where Harriet Rommel,
17 R-O-M-M-E-L, and her daughter Robin
18 Ingram, I-N-G-R-A-M, worked. Habbit
19 walked around the store selecting
20 items. She placed them on the
21 counter for purchase. When at the
22 counter to pay for her items, Habbit
23 stated that she had to go to her car
24 outside to get more money. A short
25 time later three male suspects,
26 Baker, Ferris, F-E-R-R-I-S, who was a
27 co-defendant that was 14 years old at

1 the time, and Canado, C-A-N-A-D-O,
2 who was also a co-defendant, 14 years
3 old at the time, entered the store
4 carrying rifles and wearing stocking
5 masks. Rommel, who was at the back
6 of the store at the time observed
7 Canado and Baker pointing their guns
8 at Ms. Ingram who was near the cash
9 register. About 140 dollars was
10 taken from the register.
11 Subsequently, Rommel and Ingram were
12 taken outside by the suspects. Ms.
13 Rommel was placed in the back of the
14 Vega station wagon and Ms. Ingram was
15 ordered to give up her mother's car
16 keys so the perpetrators could take
17 her to -- I'm sorry, to take her
18 mother's Pinto car with them. Canado
19 and Baker put Ms. Ingram into the
20 Pinto car with them and they followed
21 the Vega station wagon. In an orange
22 grove area the suspects stopped the
23 cars and ordered both victims out of
24 the cars. They were told to run into
25 the grove and were given a count of
26 five to get out of sight or they
27 would be killed. Subsequently the

1 perpetrators drove to an isolated
2 area and pushed the Pinto into some
3 bushes. Shortly thereafter the
4 victims called the Sheriff's Office.
5 While this investigation was
6 proceeding at approximately three
7 a.m., officers were notified of a
8 shooting on Perris Boulevard near
9 John F. Kennedy Street. Val Dixon,
10 in parentheses it says (victim), had
11 been shot in the stomach and was
12 lying in the street. He stated that
13 his car broke down and he was
14 returning from calling a tow truck
15 when he was approached by a red Vega
16 station wagon driven by a black
17 female who asked if he needed a ride.
18 When he answered negatively, the car
19 kept going and made a U-turn. When
20 the car approached again Dixon
21 noticed a male holding a rifle
22 pointed at him. He attempted to push
23 the gun barrel away from his body.
24 He was shot and the suspects drove
25 away. The victim was later taken to
26 the hospital for medical treatment.
27 Doctors discovered that he'd been

1 shot twice. Val Dixon is now
2 paralyzed from the waist down. At
3 approximately 3:45 a.m. Perris Police
4 observed a red Vega station wagon in
5 the city of Perris. A vehicle stop
6 was affected. Ms. Habbit got out of
7 the driver's door immediately.
8 Ferris got out next and stood between
9 Ms. Habbit and the vehicle while
10 throwing away live ammunition.
11 Canado exited next and placed himself
12 between the other two suspects, and
13 Baker was found hiding under the
14 vehicle. Backup units arrived and
15 they were all searched and
16 handcuffed. Two high-powered rifles
17 were found in the back seat of the
18 vehicle and one was found in the
19 front passenger seat. The suspects
20 stated that Baker had put on makeup
21 and dressed to disguise himself.
22 They also stated that both Canado and
23 Baker had their guns pointed out the
24 car window when Dixon, and when Dixon
25 grabbed the guns both suspects fired
26 and Ms. Habbit drove away. Baker did
27 not discuss the offense with officers

1 at the time of his arrest."

2 And this notes that the source of information was
3 the Probation Officer's Report pages three through
4 seven dated 10/16/80. Now Mr. Baker, tell me what
5 happened.

6 **INMATE BAKER:** That's pretty accurate there.
7 That's very accurate there. I guess what I would
8 like to add to that is why these things occurred,
9 at least to the best of my understanding. And what
10 I would like for the Panel to know is that the
11 information that I give to you is not a means for
12 me to lessen the (indiscernible) offense or take
13 anything away from it or as an excuse, but it's
14 only for --

15 **PRESIDING COMMISSIONER FISHER:** I'm sorry.
16 I don't mean to interrupt you. I think you're
17 probably about to talk to me about some insight
18 about what was going on with you?

19 **INMATE BAKER:** Yes.

20 **PRESIDING COMMISSIONER FISHER:** And for my
21 purposes right now, I'm just looking to set down
22 the facts of the crime. We are going to talk about
23 that, but I just want to, I want to make sure the
24 facts are on record first. So is there anything
25 factually that you would change?

26 **INMATE BAKER:** No, that's it.

27 **PRESIDING COMMISSIONER FISHER:** Okay, we're

1 going to talk about what you were about to bring
2 up, but I wanted to make sure that that's --

3 **INMATE BAKER:** That's accurate.

4 **PRESIDING COMMISSIONER FISHER:** Okay, so
5 tell me what was going on with you at the time?

6 **INMATE BAKER:** I was up under a lot of
7 stress prior to this crime occurring. And what
8 I've come to realize through all the psychological
9 programs I've been involved in throughout the years
10 is that the things that was going on in my life
11 that affected this crime occurred like a week prior
12 to this crime. And what had happened then was I
13 found out that my child had been aborted, and when
14 I heard that, it just kind of, it twisted me. It
15 just sent me in a rage. I didn't know how to deal
16 with that at that time. I didn't talk to no one
17 about that then. When I heard, I didn't even talk
18 to my girl about that, my girlfriend at the time
19 who did that. And what happened leading up to the
20 crime was that I got away from her to go be with my
21 family for support, because I was really distraught
22 behind that because I was looking forward to
23 becoming a father at that time. And like we had
24 smoked marijuana laced with PCP. And what, how
25 that came about was because I smoked a joint one
26 other time in my life and that was during my
27 birthday. And my cousin who observed me smoking

1 that joint -- See all the joint did for me was it
2 made me happy, but it made me eat a lot, but it
3 didn't make me violent or anything. So I can only
4 roughly think in terms of why they would give me a
5 joint at that time to smoke was to bring me up out
6 of that depression. But what no one accounted for
7 was the effects of the PCP. And I say that too
8 because -- This is not an excuse. This is not an
9 excuse.

10 **PRESIDING COMMISSIONER FISHER:** Well what
11 were the effects of the PCP?

12 **INMATE BAKER:** It kind of, it deepened my
13 feelings of remorse. I mean, the pain I was
14 feeling for my kid, it deepened that. It made me,
15 what I come to learn, to become narcissistic. In
16 other words, it made me stop thinking about people.
17 It made me think about me. And what I further
18 learned about that is this here. Is as the
19 psychologist -- just bear with me for a minute here
20 so I can get this right -- As I was going through
21 my Category X and all these programs to understand
22 why I did these things, what the psychiatrist
23 discovered in me was this here. When I was 10
24 years old I observed my mother getting robbed and
25 beat to the point where she couldn't have any
26 children as we exited a store and I was pushed to
27 the side. And I remember being upset at myself

1 because I couldn't do anything. But I also
2 remember being upset at society because nobody came
3 to our aid. But what I didn't realize then was
4 that's when the Bloods and Crips had just come out
5 and people were scared to get involved. But that
6 pain and that anger I had then stayed with me
7 because I never dealt with that pain or anger. And
8 so what happened, as soon as I heard about that
9 with my child, I felt again that I had let somebody
10 down that I loved, that I wasn't there to protect
11 that person. And so that sent me over the edge.
12 It really did. And I just, I don't know the proper
13 words to convey to you the things that I was
14 feeling at that time, but it just, it made me, I
15 got numb. It made me like feel just unreal. I
16 just didn't matter anymore. I just didn't exist.
17 And what the PCP did was it made the anger grow
18 more because that anger that I established way back
19 when had never been dealt with and it came to
20 surface. And what that did, it just put it at a
21 real high level. And then that accompanied with
22 the remorse, I mean with the pain I felt for my
23 kid, I just didn't care. And that's what it did to
24 me, I just didn't care.

25 **PRESIDING COMMISSIONER FISHER:** Okay, let me
26 ask you a couple things related to that.

27 **INMATE BAKER:** Yes.

1 **PRESIDING COMMISSIONER FISHER:** You were 18
2 when this happened?

3 **INMATE BAKER:** Yes, I was.

4 **PRESIDING COMMISSIONER FISHER:** When, and
5 you said that right before, shortly before this
6 crime occurred was when you found out about the
7 abortion?

8 **INMATE BAKER:** Yes, Ma'am.

9 **PRESIDING COMMISSIONER FISHER:** But that,
10 this wasn't the first crime you committed?

11 **INMATE BAKER:** Yeah, no, there was a
12 burglary I committed. I did a burglary. I went
13 into the store. This wouldn't even be in my file,
14 I was going through changes. I went into the store
15 because I didn't have nothing to eat. I didn't rob
16 the store, I wanted to eat. But the only way I
17 could do that was I sat back and the store closed
18 and I ate. And as I exited that's when the police
19 came.

20 **PRESIDING COMMISSIONER FISHER:** All right,
21 but then, when you were sent to Juvenile Camp, you
22 escaped.

23 **INMATE BAKER:** Yeah, I walked away. I
24 walked away from a ranch.

25 **PRESIDING COMMISSIONER FISHER:** Okay, so
26 what I'm saying is that before this crime happened
27 there was something going on with your attitude.

1 **INMATE BAKER:** Absolutely. I absolutely
2 agree.

3 **PRESIDING COMMISSIONER FISHER:** Okay, I just
4 wanted to make sure that was clear on that.

5 **INMATE BAKER:** Yes, you're right.

6 **PRESIDING COMMISSIONER FISHER:** So why do
7 you think you took it out on people that you didn't
8 know instead of taking it out on the person that
9 aborted the baby?

10 **INMATE BAKER:** Well I think it had to do
11 with, like I said earlier, is that I really didn't
12 care because at that time responsibility, thinking
13 responsible and all those things went out the
14 window. And I think, you know and it wasn't, it
15 had nothing to do with them, in that sense that I
16 had met them, because I had never met them before.
17 I didn't even know them people from anyone. So it
18 just happened that they were in that path, that
19 line of path, that path I chose to go down at that
20 time.

21 **PRESIDING COMMISSIONER FISHER:** In the 2003
22 Psych Report it says that you, when you were
23 talking to the counselor about the review of the
24 crime, it says that your gun went off. Is that
25 correct?

26 **INMATE BAKER:** No.

27 **PRESIDING COMMISSIONER FISHER:** What

1 happened?

2 **INMATE BAKER:** Because I remember like when
3 Mr. Dixon went to slap the gun, right, and my
4 finger, it was on the trigger, and my finger
5 pulled. That's what that was.

6 **PRESIDING COMMISSIONER FISHER:** Okay, I just
7 want to be clear on that.

8 **INMATE BAKER:** Yes, Ma'am.

9 **PRESIDING COMMISSIONER FISHER:** All right.
10 Okay, is there anything else about the facts of the
11 crime that we haven't covered that you think would
12 be important?

13 **INMATE BAKER:** No, that's fairly accurate.

14 **PRESIDING COMMISSIONER FISHER:** Okay,
15 because we'll revisit the other things we talked
16 about within the hearing. I want to go through
17 your social history. And normally I start with
18 your, any contacts with law enforcement prior to
19 this crime, but we already talked about the fact
20 that you were arrested for burglary at 17. We
21 talked about what that was, and you walked away and
22 then you went to the Youth Authority, right?

23 **INMATE BAKER:** Yes, Ma'am.

24 **PRESIDING COMMISSIONER FISHER:** Okay. Let's
25 see, okay, so was that the reason that you didn't
26 finish high school?

27 **INMATE BAKER:** Yes, at that time there, like

1 I said, me and my father, we was kind of going
2 through changes. I was upset with my father
3 because my father was, he was drinking heavily, and
4 I didn't like that, because I seen him argue with
5 my step mom. And we was going through it and so I
6 didn't want to be around that and so even when he
7 was trying to tell me to go to school and things, I
8 just wouldn't listen to him. I was rebelling at
9 that point in my life.

10 **PRESIDING COMMISSIONER FISHER:** Were you
11 living with your father?

12 **INMATE BAKER:** Yes, I was.

13 **PRESIDING COMMISSIONER FISHER:** Okay, so you
14 were living with your father and your step mom?

15 **INMATE BAKER:** Yes.

16 **PRESIDING COMMISSIONER FISHER:** Okay. And
17 again, and I'm looking at the 2003 Psych Report
18 right now, but it says that your mom died in 1995
19 at 46. Is that actually your biological mother?

20 **INMATE BAKER:** Yes, that's my mom.

21 **PRESIDING COMMISSIONER FISHER:** It just
22 wasn't clear if that was your mother. And your
23 father died in 1995?

24 **INMATE BAKER:** Yes, Ma'am.

25 **PRESIDING COMMISSIONER FISHER:** And at the
26 time that this was written it says you weren't sure
27 what caused his death. Do you know what that was?

1 **INMATE BAKER:** No.

2 **PRESIDING COMMISSIONER FISHER:** But you said
3 that he smoked a lot and --

4 **INMATE BAKER:** Yeah, my father did a lot of
5 drinking. It contributed to that. I don't know
6 what the factors were that caused it, but I believe
7 it had something to do with his drinking.

8 **PRESIDING COMMISSIONER FISHER:** And then it
9 says here that you were raised by your mother and
10 grandparents until you were 15, and then when you
11 were 15 you went to live with your father. You
12 have two brothers?

13 **INMATE BAKER:** Yes, Ma'am.

14 **PRESIDING COMMISSIONER FISHER:** Okay, and
15 you're still in communication with them?

16 **INMATE BAKER:** Yes, I am.

17 **PRESIDING COMMISSIONER FISHER:** And what
18 about your brothers? Did they have any problems
19 with law enforcement?

20 **INMATE BAKER:** Well the one, my younger
21 brother did. He joined the Crips and all kinds of
22 problems followed that. I haven't really been in
23 contact with him. But my -- I believe he's in the
24 system somewhere, my younger brother. My older
25 brother is a minister and he's been a minister as
26 long as I can remember.

27 **PRESIDING COMMISSIONER FISHER:** Okay.

1 **INMATE BAKER:** So he hasn't had any problem
2 with the law.

3 **PRESIDING COMMISSIONER FISHER:** Okay. And
4 you've been married two times, right?

5 **INMATE BAKER:** Yes, I have.

6 **PRESIDING COMMISSIONER FISHER:** It says your
7 first marriage lasted about six years and it
8 started when you were 18.

9 **INMATE BAKER:** Yes, Ma'am.

10 **PRESIDING COMMISSIONER FISHER:** And you have
11 no children from that marriage.

12 **INMATE BAKER:** That's true.

13 **PRESIDING COMMISSIONER FISHER:** Okay, and
14 then you married again in 2002?

15 **INMATE BAKER:** Yes.

16 **PRESIDING COMMISSIONER FISHER:** And are you
17 still married?

18 **INMATE BAKER:** Yes, I am.

19 **PRESIDING COMMISSIONER FISHER:** Okay. And
20 it says here that you do receive visits
21 (indiscernible).

22 **INMATE BAKER:** Yes, Ma'am, I do.

23 **PRESIDING COMMISSIONER FISHER:** But you have
24 no children at this point, right?

25 **INMATE BAKER:** Yes, that's true.

26 **PRESIDING COMMISSIONER FISHER:** All right.
27 You say you'd only smoked pot once before this

1 happened?

2 **INMATE BAKER:** That's true.

3 **PRESIDING COMMISSIONER FISHER:** What about
4 alcohol?

5 **INMATE BAKER:** No, Ma'am, I never drank.

6 **PRESIDING COMMISSIONER FISHER:** All right.

7 Who are these people that were involved in the
8 crime with you? How did you know them?

9 **INMATE BAKER:** I had, well, two of them was
10 my cousins. My cousins Bernice and my other cousin
11 Steven. And Ferris was a friend of theirs. And
12 that's who they were. They just happened to be
13 there. I think Ferris, when I went over there to
14 be around people and to kind of up my spirits, and
15 they happened to all be there at that time.

16 **PRESIDING COMMISSIONER FISHER:** How old was
17 Bernice?

18 **INMATE BAKER:** I believe Bernice was 18.

19 **PRESIDING COMMISSIONER FISHER:** The other
20 two were really young.

21 **INMATE BAKER:** Yeah, like 15 or 16,
22 something like that?

23 **PRESIDING COMMISSIONER FISHER:** Whose idea
24 was this?

25 **INMATE BAKER:** Well initially this started
26 out with my cousin Bernice saying that she needed
27 some milk for her baby. And we just couldn't, we

1 didn't have a ride or nothing there, and I wasn't
2 familiar with the area. And then we was talking
3 about going out to the road to get a ride of some
4 type. Initially and the idea of that, about the
5 car taking was mine and Steven, to get to the
6 store.

7 **PRESIDING COMMISSIONER FISHER:** And three of
8 you had guns, right?

9 **INMATE BAKER:** Yes, Ma'am.

10 **PRESIDING COMMISSIONER FISHER:** Did you
11 normally have a gun?

12 **INMATE BAKER:** No, Ma'am. My cousin, with
13 them, that's sort of like my aunt Della and her
14 husband Hop, they had weapons like that because he
15 used to always go hunting, fishing, and things like
16 that. He was in law enforcement too, so they had
17 things like that around the house.

18 **PRESIDING COMMISSIONER FISHER:** So at what
19 point did you decide to bring the guns along with
20 you?

21 **INMATE BAKER:** When we decided to go out
22 there and get the car.

23 **PRESIDING COMMISSIONER FISHER:** Okay, and
24 why did you disguise yourself as a woman?

25 **INMATE BAKER:** Because she didn't want to
26 stand out there by herself, and it was dark. And I
27 told her I would dress in a dress and stand there

1 with her.

2 PRESIDING COMMISSIONER FISHER: Because you
3 figured it would be easier to get somebody to pull
4 over?

5 INMATE BAKER: That's one of the reasons.
6 That's one of the reasons.

7 PRESIDING COMMISSIONER FISHER: Okay. Do
8 you have any questions? I'm sorry, I'm moving way
9 ahead in the hearing without actually going through
10 (indiscernible) after I finish asking questions.
11 Is there anything else about your social history
12 that we should talk about before we move on?
13 Anything important?

14 INMATE BAKER: No we basically covered it.

15 PRESIDING COMMISSIONER FISHER: We covered
16 it?

17 INMATE BAKER: Yes, Ma'am.

18 PRESIDING COMMISSIONER FISHER: All right.
19 Let me tell you what I have here regarding parole
20 plans. It says that if you were to receive a
21 parole date that you would live with your fiancée.
22 Is that correct?

23 INMATE BAKER: My wife.

24 PRESIDING COMMISSIONER FISHER: That would
25 be your wife?

26 INMATE BAKER: Yes.

27 PRESIDING COMMISSIONER FISHER: All right.

1 And that you -- Now this is back in the Board
2 Report in 2002. I think the current one says to
3 refer back to it, as I recall, yes, it does. It
4 says that you've received an offer of employment
5 from Ethel Martin?

6 **INMATE BAKER:** Yes.

7 **PRESIDING COMMISSIONER FISHER:** Okay. She's
8 your aunt?

9 **INMATE BAKER:** Yes.

10 **PRESIDING COMMISSIONER FISHER:** Who has
11 arranged employment as a bookkeeper in an
12 accounting firm. Is that right?

13 **INMATE BAKER:** That's true.

14 **PRESIDING COMMISSIONER FISHER:** Okay. It
15 also says you plan to upgrade your computer
16 technology vocational skills by attending college
17 in the evening.

18 **INMATE BAKER:** That's true.

19 **PRESIDING COMMISSIONER FISHER:** Okay, is
20 there anything else about your parole plans that we
21 should talk about?

22 **INMATE BAKER:** Well, I guess I can add into
23 that is that I've had a calling. And what I mean
24 by that, is that God is directing my life in other
25 ways to where He is directing me to become part of
26 a ministry and as a choir director because I've
27 done music all my life since I've been

1 incarcerated. And I didn't understand it at the
2 time I would get into the music, but over the past
3 several years I understand why God put in me such
4 an interest in music, and that's for me to, the
5 calling that He's got me on now. So that's going
6 to be part of my parole plans as well.

7 **PRESIDING COMMISSIONER FISHER:** And would
8 that be as a volunteer at the church or would that
9 be a paid position?

10 **INMATE BAKER:** A pastor. I'm going to
11 college also to become a pastor.

12 **PRESIDING COMMISSIONER FISHER:** Okay, so
13 you're going to actually pursue that as an
14 education program?

15 **INMATE BAKER:** Yes, Ma'am, absolutely.

16 **PRESIDING COMMISSIONER FISHER:** All right.
17 I've got some letters of support here and I'm going
18 to read these. I'm not going to read them
19 verbatim. This first one is pretty long. So I'm
20 going to try and pull out the most important parts.
21 If there's anything in any of the letters that I
22 miss that you think would be important for me to
23 read into the record, let me know, okay.

24 **INMATE BAKER:** Yes.

25 **PRESIDING COMMISSIONER FISHER:** The first
26 one is from Helen June Smith, and the heading on
27 the letterhead says Accessories and Things and this

1 is in Pomona, California. And she says, this is
2 your aunt, and she says she's in Pomona. She's
3 telling me about her business and her church and
4 where she lives and so on and so forth. She says
5 my position has not changed. I'm here for my
6 nephew Frederick. For many years I have given my
7 support with phone calls, care packages, visits,
8 and prayer. I have noted a great change in
9 Frederick's attitude and outlook on life. He has
10 made great strides in preparing himself for society
11 in education and soul searching. Frederick has
12 voiced his regret for the unlawful deeds he
13 committed as a young man of 18 years old many
14 times. He is ready to give back to society the
15 greatest gift he has, a law-abiding, gifted,
16 talented, well-balanced, educated black man and
17 husband with high morals, self-esteem, and true
18 love for Christ. She talks about your marriage and
19 talks about the fact that you've lost your parents
20 and grandparents and she says that she has a
21 position for you in her retail store industry with
22 great benefits. And I know he'll be a great asset.
23 My husband and I have a large four bedroom home
24 that Frederick and his wife Linda could reside in
25 until they get their foot on solid ground. If they
26 don't wish these arrangements, I've spoken to other
27 relatives that will step in and help make that

1 difference. This one is from Joe Draper and is
2 this her husband?

3 **INMATE BAKER:** Yes, Ma'am.

4 **PRESIDING COMMISSIONER FISHER:** All right,
5 he says that he has conversed with you through
6 telephone calls and visitations. He says that
7 you're a God-fearing young man and he says that
8 he's seen you grow in a very positive way and that
9 you have a good attitude. He says that you show
10 great remorse and compassion for people that you
11 (indiscernible) you've taken positive steps to
12 educate yourself while you've been in the system.
13 And he says our home and support will be there for
14 Frederick and his wife Linda. And this one is
15 from, this is from Linda. Is this your wife?

16 **INMATE BAKER:** Yes, that's my wife.

17 **PRESIDING COMMISSIONER FISHER:** And I think
18 it's supposed to say Williams Baker, but it looks
19 like a B instead of a K.

20 **INMATE BAKER:** Well my name is actually
21 Baber.

22 **PRESIDING COMMISSIONER FISHER:** Is it?

23 **INMATE BAKER:** Yeah, but they got a K in it
24 in the county jail and I guess the only way I can
25 rectify that is go back to court or something.

26 **PRESIDING COMMISSIONER FISHER:** Okay. All
27 right, well that explains that. So

1 (indiscernible). She says that she's resided in
2 the same gated community complex in San Bernardino
3 County for five years. She says should the Board
4 decide not to allow Frederick to parole to San
5 Bernardino County, I have agreed to accept
6 temporary residency in a suitable facility until we
7 can establish a much more reliable and permanent
8 residence in Riverside County. She's talking about
9 staying in like a hotel (indiscernible) I assume
10 one of those long-term residential kind of things.

11 **INMATE BAKER:** Yes, Ma'am.

12 **PRESIDING COMMISSIONER FISHER:** She says
13 that she's been in contact with your aunt and
14 uncle. And that you can live with them if you need
15 to. She says I am financially able to take care of
16 my husband while he is seeking employment. I have
17 my own business as a caterer, wedding consultant,
18 and event planner. The company's name is LaJoyce
19 Creative Designs, and for the transcriber that's
20 capital L-A capital J-O-Y-C-E, and that the
21 business is located in (indiscernible). That's
22 everything I have in the file. Is there anything
23 I've missed?

24 **ATTORNEY TARDIFF:** There's some updates.

25 **PRESIDING COMMISSIONER FISHER:** Are there?

26 **ATTORNEY TARDIFF:** Yes, you should have it.

27 **PRESIDING COMMISSIONER FISHER:** Once again,

1 I have some updates, but not that update. I have
2 the, I have two copies of the District Attorney's
3 letter.

4 **DEPUTY COMMISSIONER MEJIA:** That's what I
5 have too.

6 **ATTORNEY TARDIFF:** I got this sent to me in
7 the mail.

8 **PRESIDING COMMISSIONER FISHER:** All right,
9 thank you.

10 **DEPUTY COMMISSIONER MEJIA:** You're welcome.

11 **PRESIDING COMMISSIONER FISHER:** All right,
12 let's see. (Indiscernible.) This I have.

13 **DEPUTY COMMISSIONER MEJIA:** Do you have the
14 June 25th, 2004?

15 **PRESIDING COMMISSIONER FISHER:** Yeah, I
16 think I've got everything (indiscernible) copies of
17 what I already read. The first one is from
18 Stephanie Velez, V-E-L-E-Z, and she says she's
19 known you all of her life but that in 1993 she
20 became close to you. This is your cousin?

21 **INMATE BAKER:** Yes, it is.

22 **PRESIDING COMMISSIONER FISHER:** Okay. She
23 says since that time I've gotten to know my cousin
24 better. I've discovered that he's a very warm,
25 smart, and talented individual. She says that our
26 family is ready to help Frederick in any way
27 possible financially and spiritually. We stand

1 ready to support, assist, and encourage Frederick.
2 This one is from Ethel Martin Miller. And she
3 says, this is your aunt, right?

4 **INMATE BAKER:** Yes.

5 **PRESIDING COMMISSIONER FISHER:** She says
6 that she's aware of the crimes that you committed
7 and that she's been in contact with you through
8 telephone calls. And she says I would like it
9 known that this letter is valid indefinitely until
10 Frederick is released. She says that she loves you
11 and she'll help you in every area that you need
12 help in making a smooth transition. She says I
13 have in every letter to the Board members stated
14 that Frederick can live with me and now that he's
15 married I extend the same invitation to him and his
16 wife. She lives in San Bernardino County, and she
17 mentions the job offer that you have from your
18 other aunt. And this says, is it pronounced Hail?

19 **INMATE BAKER:** Hail.

20 **PRESIDING COMMISSIONER FISHER:** Hail. This
21 is your uncle?

22 **INMATE BAKER:** Yes.

23 **PRESIDING COMMISSIONER FISHER:** And for the
24 transcriber that's H-A-I-L. He says I have seven
25 children and many adopted community children. I
26 have several businesses and he says, he talks about
27 being the victim of a crime. He was shot in an

1 attempted robbery when he was opening one of his
2 stores. He says I lost 80 percent mobility of my
3 body. I'm a quadriplegic and confined to a
4 wheelchair for the rest of my life. He says I am
5 aware that someone was shot and paralyzed in the
6 robbery that was committed by my nephew. I can
7 relate to the victim because of my condition. I am
8 very sorry for what happened, as is my nephew. And
9 he says that you've reversed the direction of your
10 life and has made, that you've made the decision to
11 be an asset to society. And this is another letter
12 from your aunt, which just basically restates what
13 I read. And another copy of the one from your aunt
14 Ethel. This is another copy of the one
15 (indiscernible). I think we have everything. Is
16 that it?

17 **INMATE BAKER:** Yes, that's it.

18 **PRESIDING COMMISSIONER FISHER:** Okay, if
19 there's nothing else that we need to talk about as
20 far as your parole plans go, if you will turn your
21 attention to Commissioner Mejia, he's going to go
22 through your program with you.

23 **INMATE BAKER:** Okay.

24 **DEPUTY COMMISSIONER MEJIA:** Okay, Mr. Baker,
25 I'll be covering your institutional adjustment in
26 this portion of this hearing since your last Board
27 appearance. I have reviewed your Central File,

1 Board Reports, and Psychiatric Report. If I miss
2 anything I'll give you and your attorney the
3 opportunity to make comments at the end of my
4 presentation. Your last Board appearance was on
5 August 5th, 2003, where you received a one-year
6 denial. The recommendations were for you to remain
7 disciplinary free and participate in self-help.
8 Classification score is 19, Medium A custody level.
9 You're now currently working in the clothing room?

10 **INMATE BAKER:** Yes, I am.

11 **DEPUTY COMMISSIONER MEJIA:** Satisfactory to
12 above-average work reports. You're an assistant
13 tailor now?

14 **INMATE BAKER:** Yes, I am.

15 **DEPUTY COMMISSIONER MEJIA:** And you have a
16 GED in 1981?

17 **INMATE BAKER:** Yes.

18 **DEPUTY COMMISSIONER MEJIA:** And in 1989 I
19 see you have 20 units of Hartnell College
20 attendance.

21 **INMATE BAKER:** Yes.

22 **DEPUTY COMMISSIONER MEJIA:** Did you get any
23 degree with that?

24 **INMATE BAKER:** No, I got my -- First, I got
25 my GED in '89.

26 **DEPUTY COMMISSIONER MEJIA:** '89?

27 **INMATE BAKER:** Yes, and no, I didn't

1 complete the Hartnell College.

2 DEPUTY COMMISSIONER MEJIA: So you've got 20
3 units of that?

4 INMATE BAKER: Yes, Sir.

5 DEPUTY COMMISSIONER MEJIA: And you're
6 currently attending the Coastal Crimanon?

7 INMATE BAKER: Yeah, Crimanon.

8 DEPUTY COMMISSIONER MEJIA: Crimanon
9 (indiscernible) Independent Study Program. And
10 what do you take from that?

11 INMATE BAKER: I'm basically studying --

12 DEPUTY COMMISSIONER MEJIA: And how long
13 have you been there?

14 INMATE BAKER: I've been there since about a
15 year.

16 DEPUTY COMMISSIONER MEJIA: 2004 you
17 started, December 1st [sic]?

18 INMATE BAKER: Yes. That's stuff I just
19 completed. I'm waiting for a completion to come
20 back on that now.

21 DEPUTY COMMISSIONER MEJIA: Okay. And then
22 you have a (indiscernible) administration course
23 completed in 1998?

24 INMATE BAKER: Yes.

25 DEPUTY COMMISSIONER MEJIA: Okay. You've
26 been attending NA, AA, since 1997?

27 INMATE BAKER: Since '90 -- Well here, at

1 this institution. But I've been in since '91, is
2 when I started.

3 **DEPUTY COMMISSIONER MEJIA:** And in 2001 you
4 attended a Lifer Group with (indiscernible) this
5 year. Are you still attending that Lifer Process
6 Group? Are you still part of that?

7 **INMATE BAKER:** No, that group doesn't run
8 anymore. It ran for like a year then they
9 transferred him out and the program stopped.

10 **DEPUTY COMMISSIONER MEJIA:** Anything else
11 that you've done that I haven't included in my
12 presentation?

13 **ATTORNEY TARDIFF:** Yeah, he's done a lot.

14 **DEPUTY COMMISSIONER MEJIA:** Just for this
15 year.

16 **ATTORNEY TARDIFF:** Right. He's got the
17 Protestant Chapel. Why don't you hand that over to
18 him. I don't know why you don't have that in his
19 Central File.

20 **DEPUTY COMMISSIONER MEJIA:** No, I don't have
21 it that's why I asked for additional documents
22 earlier today.

23 **ATTORNEY TARDIFF:** I couldn't make that out.

24 **DEPUTY COMMISSIONER MEJIA:** You have
25 attending meetings, (indiscernible) you're still
26 with AA and NA?

27 **INMATE BAKER:** Yes.

1 **DEPUTY COMMISSIONER MEJIA:** And let's see,
2 Arts and Corrections Program over the last 18
3 years?

4 **INMATE BAKER:** Yes.

5 **ATTORNEY TARDIFF:** He's been doing Bible
6 studies. He should have a chrono from 6/04. The
7 Christmas Festival, Body of Protestant Chapel,
8 5/04.

9 **DEPUTY COMMISSIONER MEJIA:** Let me just read
10 through this.

11 **ATTORNEY TARDIFF:** And then apparently you
12 didn't get these updates.

13 **DEPUTY COMMISSIONER MEJIA:** What's that?

14 **PRESIDING COMMISSIONER FISHER:** I don't
15 think we did. There is some stuff in the back of
16 this Board packet, but I don't know if
17 (indiscernible).

18 **DEPUTY COMMISSIONER MEJIA:** Okay, so I
19 mentioned AA since 1997 here, and then you say it's
20 1991?

21 **INMATE BAKER:** Yes.

22 **DEPUTY COMMISSIONER MEJIA:** I've seen some
23 earlier AA attendance in there. And you're
24 (indiscernible) choir director, Music
25 (indiscernible) since June 2002, 2003?

26 **INMATE BAKER:** Yes.

27 **DEPUTY COMMISSIONER MEJIA:** You participated

1 in the Christmas Festival in 2004 [sic], Arts and
2 Corrections, I mentioned that. Active member of
3 the Body of Protestant Chapel for several years
4 according to this chrono in 2004.

5 **ATTORNEY TARDIFF:** Do you have anything from
6 that Amazing Facts Bible Studies?

7 **DEPUTY COMMISSIONER MEJIA:** Is that this
8 year?

9 **INMATE BAKER:** Yeah, I completed it since my
10 last hearing.

11 **DEPUTY COMMISSIONER MEJIA:** Okay. You got a
12 laudatory chrono from (indiscernible) Barnes, Task
13 Coordinator. (Indiscernible) conscientious, hard
14 working, performance of his duties.
15 (Indiscernible) education, completed the Amazing
16 Facts Bible Study course, October 6th, 2003. Now
17 you've been -- I read that one. You're still
18 attending AA?

19 **INMATE BAKER:** Yes, I am.

20 **DEPUTY COMMISSIONER MEJIA:** And I have the
21 chrono here.

22 **ATTORNEY TARDIFF:** And NA also, right?

23 **INMATE BAKER:** Yes.

24 **DEPUTY COMMISSIONER MEJIA:** How do you do
25 both of them?

26 **INMATE BAKER:** Well it happened, I go to AA
27 on Saturdays, and NA on --

1 DEPUTY COMMISSIONER MEJIA: And NA?

2 INMATE BAKER: And NA on Thursdays.

3 PRESIDING COMMISSIONER FISHER: I can't tell
4 you how many people come in here and tell us they
5 can't go to either.

6 INMATE BAKER: Well one thing I've learned
7 is that you've got to apply yourself to it.

8 DEPUTY COMMISSIONER MEJIA: You have to be
9 resourceful.

10 INMATE BAKER: Amen.

11 DEPUTY COMMISSIONER MEJIA: And you have
12 the, what's this Accessories and Things, what's
13 this for?

14 ATTORNEY TARDIFF: That's the -- forget
15 that. That's a support letter. Is there anything
16 else?

17 INMATE BAKER: No.

18 DEPUTY COMMISSIONER MEJIA: Okay, we'll go
19 to your disciplinary history. You have one July
20 2000, in 1989?

21 INMATE BAKER: Yeah, I had '89 and '84.

22 DEPUTY COMMISSIONER MEJIA: And '84. So two
23 of them, the last being in '89?

24 INMATE BAKER: Yes.

25 DEPUTY COMMISSIONER MEJIA: And you have one
26 128?

27 INMATE BAKER: No, Sir.

1 **PRESIDING COMMISSIONER FISHER:** I show none.

2 **DEPUTY COMMISSIONER MEJIA:** Let's see where
3 did I get that one?

4 **ATTORNEY TARDIFF:** He's got another 115 in
5 '84.

6 **DEPUTY COMMISSIONER MEJIA:** That's what I'm
7 saying, there's two of them.

8 **INMATE BAKER:** Two.

9 **ATTORNEY TARDIFF:** But no 128s.

10 **DEPUTY COMMISSIONER MEJIA:** Okay, no 128s.
11 No gang affiliation noted. And we're going to go
12 to your Psych Reports. I'll keep this one out so I
13 can -- The Psych Report I have is May 30, 2003. Do
14 you have a 2004?

15 **ATTORNEY TARDIFF:** No.

16 **DEPUTY COMMISSIONER MEJIA:** So this is the
17 most current?

18 **ATTORNEY TARDIFF:** Yes.

19 **DEPUTY COMMISSIONER MEJIA:** By Dr. Jeff
20 Howlin, H-O-W-L-I-N, dated May 30, 2003. And
21 diagnostic impression is Axis I, No Contributory
22 Clinical Disorder. Axis II, No Contributory
23 Personality Disorder. Axis III, No Contributory
24 Physical Disorder. Axis IV, Long Term
25 Incarceration. Axis V, GAF of 85. His prognosis
26 is positive for being able to maintain his current
27 mental status in the community upon release. There

1 is no evidence of mood or thought disorder. At
2 that time his judgment appeared to be in tact.
3 Demonstrated excellent insight into his commitment
4 offense.. Review of life crime, as Baker discussed
5 the circumstances surrounding his commitment
6 offense (indiscernible) version was similar to that
7 discussed in the Central File. As mentioned
8 previously he had smoked marijuana cigarette that
9 day he said which had been laced with PCP, white
10 powder. (Indiscernible) led to choices that led to
11 a store being robbed, two females being kidnapped
12 and taken away and dropped off a couple miles from
13 the store. Later while driving what inmate Baker
14 described as a joy ride, they saw an individual by
15 the road and wanted to scare him. They stuck guns
16 out of the window after which the victim slapped
17 inmate Baker's gun and since his hand was on the
18 trigger the gun went off. Mr. Dixon, the victim,
19 was paralyzed from the waist down. Inmate Baker
20 discussed the crime in detail and his reflection
21 and thoughts about why such things might have
22 happened. He said that in particular after taking
23 Dr. (indiscernible) Lifer Group he realized that
24 about a week prior to the commitment offense --

25 [Thereupon, the tapes were turned over.]

26 **DEPUTY COMMISSIONER MEJIA:** Okay, we're on
27 side B of this hearing. I'm reading the

1 Psychological Report. Prior to his commitment
2 offense he had become very angry due to learning
3 that his ex-girlfriend has aborted his child. He
4 said, "this really messed me up," quote, unquote.
5 Therefore, he said he was feeling both anger and
6 depression as a result of what happened and now
7 thinks that the use of PCP and marijuana only
8 elevated these intense feelings. Inmate Baker
9 accepted responsibility for the crime. He did not
10 attempt to minimize his part. However, he
11 acknowledged the role that his life events played
12 as well as the use of illicit substances. He did
13 not (indiscernible) premeditation involved in the
14 crime itself. He demonstrated what appeared to be
15 a genuine remorse when discussing the victims. And
16 it was clear after his (indiscernible) discussion
17 that he has spent much time reflecting on the
18 crimes generating alternatives to his choices at
19 that time. Since being incarcerated for a period
20 of about 23 years, inmate Baker has only two, has
21 had two CDC 115s, the last being in 1989. Neither
22 of the 115s were of a violent nature. He denied
23 any gang prior to or since his incarceration and
24 has rather minimal criminal record. He has a one-
25 time burglary charge as a juvenile and stated he
26 spent approximately nine months in the Youth
27 Authority. Inmate Baker has made considerable

1 gains since his incarceration. It appears he has
2 taken advantage of many self-help (indiscernible)
3 as well as more internally driven changes and
4 attempts at self-improvement such as his training
5 in computer programming and his music. In
6 consideration of these factors as well as his lack
7 of additional violent history outside his
8 commitment offense, his relative lack of
9 significant CDC 115 violation history, it is
10 estimated that his violence potential within a
11 controlled setting is estimated to be significantly
12 below average relative to the Level Two inmate
13 population. If released to the community his
14 violence potential is estimated to be no more than
15 higher, no more than, to be no higher than the
16 average citizen in the community. Possible risk
17 factors for this inmate which could be a precursor
18 to violence will be a return to the use of illicit
19 substances. Should he choose to abuse illicit
20 substances again, particularly PCP, his violence
21 potential would be considered much higher than the
22 average citizen in the community. And the
23 counselor had him as posing a low degree of threat
24 when released to the community. Do you have
25 anything to add or anything to comment
26 (indiscernible) my presentation, Counsel?

27 **ATTORNEY TARDIFF:** Not at this time.

1 **DEPUTY COMMISSIONER MEJIA:** Then we'll
2 return this back to the Chair.

3 **PRESIDING COMMISSIONER FISHER:** I want to go
4 back to some of your Psych Reports. And they've
5 talked over the years about your feelings of
6 remorse for what happened. Can you articulate that
7 for us, please, how you feel about how your actions
8 affected other people's lives?

9 **INMATE BAKER:** Absolutely. I know when I
10 first caught this offense, I didn't really think
11 about other people. But since going through all
12 the psychiatric programs and the self-help, what
13 I've learned is that, feeling-wise, man, excuse me.

14 **PRESIDING COMMISSIONER FISHER:** It's all
15 right.

16 **INMATE BAKER:** What I've learned,
17 particularly with the victim program that they have
18 set up to where they have a victim outreach
19 program, and I didn't understand how deeply victims
20 were hurt by crime. And what I meant by that is
21 this here, is I didn't understand the long range
22 effects of crime on people and particularly for Mr.
23 Dixon, I'm so sorry. I'm so sorry. And I think
24 because of my uncle, because when he got paralyzed,
25 it's like I saw that as a calling come back to me
26 for what I did to him. And that helped me to
27 understand, to get a deeper understanding of how

1 actually deep this crime was. And what I've
2 learned is this here, particularly, Mr. Dixon, is
3 this here. I not only affected him, but I've
4 affected his immediately family and his extended
5 family. And what I mean by that is this here. If
6 he didn't have any children, then I took that from
7 him. I took that from him. If he was married at
8 the time, that could have split his marriage. None
9 of these things ever crossed my mind during this
10 crime, none of these. But I understand now. Like
11 I said, the far-reaching effects of it, he could,
12 as far as working-wise, he can't do the things he
13 used to do, and I understand that now. And those
14 are things that really I think about every day.
15 And it's because of him and the other victims which
16 have prompted me to change my life. Prior to this
17 crime I was never considered a bad person, I was
18 never considered a bad person. And during this
19 crime, that was the worst time of my life. And
20 after that crime, I've dedicated myself to helping
21 others. I may not can give back that which I've
22 taken from them, but what I can do is, while I'm
23 here on this earth, is to help people the best I
24 can and how the Lord is using me to do that is
25 through ministering the word. Now there's a lot of
26 people within this environment and I'm sure is out
27 there on the streets out there. We take for

1 granted every day that we're going to be here. We
2 take for granted that you know, nothing on earth is
3 going to happen. But what I've learned is that God
4 can come at any time and take us. And my whole
5 thing is to be right with God regardless of what
6 happens, to be right with God. And I know that the
7 only way that I'm going to do that is to stand firm
8 on his word and do what he tells me to do. And
9 it's because of my conviction to the scripture as
10 well as that to the victims. I want them to
11 understand the things that they went through is not
12 going to go in vain. It's not going to be in vain.
13 Even if I have to spend the rest of my life in
14 prison, it's not going to be in vain because I'm
15 going to make a difference whether it's here or out
16 there. And there's just no words that I can really
17 express to you put in word that would really
18 express to you the pain that I feel for what I've
19 done. And it's like if you think about the
20 Category X report they gave me, when I was going
21 through that, Dr. Gooday, he told me, he says,
22 there are, he says you're doing good here, but
23 there are underlying occurrences that you need to
24 deal with. I didn't understand what he was talking
25 about. But I see the underlying occurrences come
26 is with the new insight of how I affected people.
27 And in turn what can I do to make things better.

1 That's where the insight came. I didn't understand
2 that then but I do now.

3 **PRESIDING COMMISSIONER FISHER:** Okay, that
4 answered my question. Do you have any questions,
5 Commissioner?

6 **DEPUTY COMMISSIONER MEJIA:** Yeah, how did
7 the victim get shot twice?

8 **INMATE BAKER:** My crimie, he had the gun
9 pointing out. And I believe this, I don't know,
10 but I believe he pulled the trigger thinking I
11 pulled the trigger, and that's how that happened.
12 Because both barrels were right there.

13 **DEPUTY COMMISSIONER MEJIA:** Okay, did you
14 see the victim fall on the ground?

15 **INMATE BAKER:** No, I didn't. That's my
16 cousin, she just drove off.

17 **DEPUTY COMMISSIONER MEJIA:** Why did he have
18 high powered rifles in the back seat?

19 **INMATE BAKER:** Well that's what we had. We
20 left the house --

21 **DEPUTY COMMISSIONER MEJIA:** What kind of
22 rifles were they?

23 **INMATE BAKER:** I'm not an expert. That's
24 why I say, that's my first time ever of being
25 around a weapon.

26 **DEPUTY COMMISSIONER MEJIA:** The gun that you
27 shot the victim with?

1 **INMATE BAKER:** That's what I'm saying. It
2 was a rifle. I know it was a rifle.

3 **DEPUTY COMMISSIONER MEJIA:** Was it a 22?

4 **INMATE BAKER:** Commissioner, I really
5 couldn't tell you that.

6 **DEPUTY COMMISSIONER MEJIA:** Okay now, I was
7 going to ask you about the remorse, but you
8 answered that. If you get released in the streets,
9 what kind of employment are you going to be able to
10 get yourself into in order for you to be a
11 productive member of society?

12 **INMATE BAKER:** Okay I have --

13 **DEPUTY COMMISSIONER MEJIA:** What have you
14 learned? Because I see academics here. I haven't
15 really seen any -- Do you have any vocation that
16 you've completed?

17 **ATTORNEY TARDIFF:** Computer programming.

18 **INMATE BAKER:** I've taken computer
19 programming.

20 **DEPUTY COMMISSIONER MEJIA:** Computer
21 programming?

22 **INMATE BAKER:** Yes, Sir.

23 **ATTORNEY TARDIFF:** And right now he's in PIA
24 Textiles.

25 **INMATE BAKER:** Yes.

26 **DEPUTY COMMISSIONER MEJIA:** So what can you
27 use out there on the streets if you get released?

1 **INMATE BAKER:** Well the skills, it's like
2 with a tax firm, he wants me to come there to
3 upgrade his system and to get employment there.
4 And I also could use that skill, this is why I'm
5 talking about going back to college, go to college
6 out there to upgrade it so that I can be right with
7 the mainstream of things. The skills I learned
8 here, particularly, like I say, with the computer
9 programming, you know, it's a viable skill. And I
10 see like even in this area here it talks about all
11 the time how the computer industry is still --

12 **DEPUTY COMMISSIONER MEJIA:** I was basically
13 trying to review your file when Commissioner was
14 doing your parole plans. Does he have any?

15 **PRESIDING COMMISSIONER FISHER:** Yes, he has
16 a couple of offers of residences.

17 **DEPUTY COMMISSIONER MEJIA:** How about
18 employment.

19 **PRESIDING COMMISSIONER FISHER:** He has an
20 offer of employment.

21 **DEPUTY COMMISSIONER MEJIA:** And the next
22 question is I've been listening of your description
23 of how you got, what led you to end up committing
24 those crimes.

25 **INMATE BAKER:** Yes, Sir.

26 **DEPUTY COMMISSIONER MEJIA:** You said what,
27 PCP, stresses in your life, lost your baby, not

1 getting along with your parents, with your dad, you
2 were angry. If you're going to look at it, how
3 many percentage of personal responsibility with
4 that crime?

5 **INMATE BAKER:** I take full responsibility
6 for that crime. And the reason I say that is here,
7 because even though, this is why I was
8 (indiscernible) to the Panel, this is not an
9 excuse, because that was just for informational
10 purposes. Because I understand that regardless of
11 what was going on in my life, I made that decision
12 to do that, so that makes me responsible. Even
13 when I look at my crimies, and like Commissioner
14 Fisher just said right now, two of them was quite
15 young, two of them. They in essence became victims
16 as well. The reason I said that --

17 **DEPUTY COMMISSIONER MEJIA:** You were the
18 eldest?

19 **INMATE BAKER:** Pardon me?

20 **DEPUTY COMMISSIONER MEJIA:** You were the
21 eldest?

22 **INMATE BAKER:** Yes, Sir, I was 18. They
23 became victims as well because of poor leadership
24 and judgment on my part. I can only hope now that
25 their lives weren't effected by a life of crime.
26 But I accept responsibility for my actions and
27 their actions, because at any given point

1 throughout this crime there were windows of
2 opportunity for me to say we're not going to do
3 this. There were windows of opportunity and I
4 never stopped to take either one of them. But I
5 absolutely take full responsibility for this crime.

6 **DEPUTY COMMISSIONER MEJIA:** No other
7 questions from me.

8 **PRESIDING COMMISSIONER FISHER:** Okay, Ms.
9 Danville, any questions?

10 **DEPUTY DISTRICT ATTORNEY DANVILLE:** I have a
11 lot of questions.

12 **PRESIDING COMMISSIONER FISHER:** And let me
13 remind you, Mr. Baker, because I usually forget,
14 she's going to ask the questions through me and you
15 should answer through me, okay.

16 **INMATE BAKER:** Yes, Ma'am.

17 **PRESIDING COMMISSIONER FISHER:** Okay, go
18 ahead.

19 **DEPUTY DISTRICT ATTORNEY DANVILLE:** Who
20 would he consider the leader of these people
21 between he and Bernice?

22 **INMATE BAKER:** Me, I am. Like I say, she
23 was 18, but I was the male figure there. That was
24 me.

25 **DEPUTY DISTRICT ATTORNEY DANVILLE:** In the
26 Appellate Opinion at the top of page three it
27 starts out essentially the statement of facts

1 discussing a hardware store in the city of Perris
2 that was burglarized some time right around
3 midnight, a little bit before the first victim,
4 Joseph Burger was carjacked. My question to the
5 inmate is did he and or his crime partners
6 burglarize this hardware store in Perris,
7 California, where numerous guns and ammunition were
8 stolen just before the Joseph Burger incident?

9 **INMATE BAKER:** Absolutely not and we was
10 acquitted of that, in fact, in the court.

11 **DEPUTY DISTRICT ATTORNEY DANVILLE:** Well the
12 Appellate Opinion on page five, the bottom of page
13 four, top of page five says, laboratory tests of
14 gunshot residue indicate that defendant Baker was
15 the one who shot Dixon and ballistics tests
16 indicate that the bullet had been fired from one of
17 the guns taken at the hardware burglary earlier
18 that evening. And then the last sentence at the
19 bottom of page five says, I'm at the bottom of this
20 paragraph on page five, the car contained rifles
21 taken from the hardware store and used during the
22 crime spree. Ammunition removed from the Seven 11
23 Store and Burger (indiscernible).

24 **ATTORNEY TARDIFF:** I don't -- Do we have the
25 Appellate?

26 **PRESIDING COMMISSIONER FISHER:** I don't have
27 (indiscernible).

1 **ATTORNEY TARDIFF:** I don't have the
2 Appellate Opinion I don't think.

3 **INMATE BAKER:** Can I address that, please?

4 **ATTORNEY TARDIFF:** No, not yet. Here it is,
5 but you can't read it.

6 **PRESIDING COMMISSIONER FISHER:** Is that part
7 of the stuff that's unreadable back there?

8 **ATTORNEY TARDIFF:** Yes.

9 **PRESIDING COMMISSIONER FISHER:** I thought
10 that was all Probation Officer's Reports.

11 **DEPUTY DISTRICT ATTORNEY DANVILLE:** I have a
12 readable copy.

13 **PRESIDING COMMISSIONER FISHER:** This is what
14 we've got.

15 **ATTORNEY TARDIFF:** Well no, I don't know if
16 that's it. I don't even know if that's it.

17 **DEPUTY DISTRICT ATTORNEY DANVILLE:** Yeah, it
18 says Fred L. Baker and Bernice Rose Habbit Opinion.

19 **PRESIDING COMMISSIONER FISHER:** Should we
20 take a break and go to copy it?

21 **ATTORNEY TARDIFF:** Yes.

22 **PRESIDING COMMISSIONER FISHER:** Why don't we
23 do that. We're going to have to take a quick
24 recess, so we're just going to put everybody on
25 mute and on hold and it should only take a few
26 minutes.

27 [Off record.]

1 **ATTORNEY TARDIFF:** Can they hear us?

2 **DEPUTY COMMISSIONER MEJIA:** Can you hear us?

3 **MS. GARTHWAITE:** Yes, we can hear you.

4 **PRESIDING COMMISSIONER FISHER:** Okay, do you
5 want to go ahead, Ms. Danville.

6 **DEPUTY DISTRICT ATTORNEY DANVILLE:** Yes.

7 **PRESIDING COMMISSIONER FISHER:** Just let us
8 know what page you're referring to.

9 **DEPUTY DISTRICT ATTORNEY DANVILLE:** Okay,
10 and I was referring to page five, the last sentence
11 before it says Habbit's appeal. The sentence
12 reads, the car contained rifles taken from the
13 hardware store and used during the crime spree,
14 ammunition, the loot from the Seven 11 Store, and
15 Burger's wallet. So my question, first question
16 specifically to Mr. Baker, did he participate in
17 the robbery of the hardware store shortly before
18 Mr. Burger was accosted or victimized?

19 **INMATE BAKER:** No, Ma'am.

20 **DEPUTY DISTRICT ATTORNEY DANVILLE:** Is he
21 aware of whether or not the two male juveniles who
22 were with him were involved in the burglary of the
23 hardware store?

24 **INMATE BAKER:** I can't speak on their behalf
25 because I don't know that.

26 **PRESIDING COMMISSIONER FISHER:** You don't
27 know, you have no information?

1 **INMATE BAKER:** No, Ma'am, I have no
2 information on that, no.

3 **DEPUTY DISTRICT ATTORNEY DANVILLE:** Was he
4 with the two male juveniles and Bernice all evening
5 prior to them going out and coming up to Mr.
6 Burger?

7 **INMATE BAKER:** No, Ma'am, I wasn't.

8 **DEPUTY DISTRICT ATTORNEY DANVILLE:** At what
9 time did he get together with his three crime
10 partners?

11 **INMATE BAKER:** Well they came over to my
12 grandmother's house when I was over there and I
13 guess this was, it was kind of late. I don't know
14 if it was dark. I don't know the exact time. I
15 couldn't tell that. It could have been between
16 eight and 10 or something like that. I don't know.

17 **PRESIDING COMMISSIONER FISHER:** Okay, but it
18 was evening?

19 **INMATE BAKER:** Yes.

20 **DEPUTY DISTRICT ATTORNEY DANVILLE:** So the
21 three of them arrived at his grandmother's house
22 together between eight and 10?

23 **INMATE BAKER:** Well Bernice didn't, just the
24 two, my cousin and Scobie (phonetic) did, I mean
25 and Ferris arrived there. Bernice was at my
26 auntie's house, my aunt Della's house and Scobie
27 and Ferris, to my grandmother's house, which was in

1 the Midway Apartments, and that's where we all met
2 up right there. That's where he met me at. I was
3 over there.

4 **DEPUTY DISTRICT ATTORNEY DANVILLE:** Okay, so
5 then did Ferris and his cousin pick him up and then
6 the three of them went to the auntie's house to get
7 Bernice? Is that how that happened?

8 **INMATE BAKER:** We went to my auntie's house
9 just to go over there because it wasn't to pick up
10 Bernice or nothing like that, we just go over
11 there. That was my aunt. That was my auntie's
12 house and I was just going over to her house.

13 **PRESIDING COMMISSIONER FISHER:** Okay, but
14 was that where you picked up Bernice?

15 **INMATE BAKER:** Yes, absolutely.

16 **PRESIDING COMMISSIONER FISHER:** Whether it
17 was the purpose to go there or not.

18 **INMATE BAKER:** Right, absolutely.

19 **ATTORNEY TARDIFF:** So the three of you went
20 to your aunt's house?

21 **INMATE BAKER:** That's correct.

22 **DEPUTY DISTRICT ATTORNEY DANVILLE:** And does
23 he recall approximately what time it was that the
24 three of them went to the aunt's house and then
25 they happened to see Bernice there?

26 **INMATE BAKER:** I really can't give you that
27 time. I just don't, I don't know the time.

1 **DEPUTY DISTRICT ATTORNEY DANVILLE:** Does he
2 have a sense of roughly like how long, was it like
3 hours?

4 **INMATE BAKER:** Between like I said, 10,
5 eight, nine, 10, between there. All of this
6 happened within this time frame.

7 **PRESIDING COMMISSIONER FISHER:** Sort of
8 middle of night, middle of the evening.

9 **INMATE BAKER:** There you go. See it's hard
10 for me to gauge it because it got darker, I don't
11 know if it was late. It had to get dark early, and
12 out there in Perris it gets dark. It's dark, so
13 you lose track of time unless you're looking at a
14 watch all the time. I really couldn't tell you, but
15 I believe it was within that time frame.

16 **DEPUTY DISTRICT ATTORNEY DANVILLE:** Perhaps
17 he would know the answer to this question then.
18 Can he give us an idea of how long the four of them
19 were together at the auntie's house before they
20 left to go on this crime spree?

21 **INMATE BAKER:** I guess that would be about
22 an hour, an hour and a half, something like that.

23 **DEPUTY DISTRICT ATTORNEY DANVILLE:** What was
24 going on in that hour, hour and a half?

25 **INMATE BAKER:** Playing music, being
26 teenagers, just messing around with each other,
27 that's what we were doing.

1 DEPUTY DISTRICT ATTORNEY DANVILLE: Was that
2 when he smoked the marijuana laced with PCP?

3 INMATE BAKER: Yes, it was.

4 DEPUTY DISTRICT ATTORNEY DANVILLE: At what
5 point did he first see the guns?

6 INMATE BAKER: I saw the guns like --
7 Actually I saw the guns earlier, like when we made
8 it over to my auntie's, as a matter of fact that's
9 when it was, at my auntie's house because my cousin
10 had went I believe to the back of the house or
11 somewhere and got the guns. So I seen the guns
12 that night, so it was just before we had smoked PCP
13 that I had seen the guns.

14 DEPUTY DISTRICT ATTORNEY DANVILLE: And how
15 many did he see?

16 INMATE BAKER: I only saw one.

17 DEPUTY DISTRICT ATTORNEY DANVILLE: And that
18 was his cousin who had it in his possession?

19 INMATE BAKER: That's correct.

20 DEPUTY DISTRICT ATTORNEY DANVILLE: And for
21 what purpose did his cousin go acquire the gun?

22 INMATE BAKER: Well, as I mentioned earlier,
23 my cousin and his father, they went hunting as far
24 as I know. I don't, other than that, that's what
25 they did. They went hunting, they did fishing.
26 They did --

27 PRESIDING COMMISSIONER FISHER: Let me get

1 you back --

2 **ATTORNEY TARDIFF:** Why they took it with
3 them.

4 **PRESIDING COMMISSIONER FISHER:**
5 (Indiscernible).

6 **ATTORNEY TARDIFF:** (Indiscernible.)

7 **INMATE BAKER:** I don't understand.

8 **PRESIDING COMMISSIONER FISHER:** She wants to
9 know why he went and got the gun that night. Why
10 did he leave the room and go get the gun?

11 **INMATE BAKER:** I don't know. I don't know.
12 Maybe he just wanted to show it to me because one
13 thing as a teen, and I'm sure we can all relate to
14 this, we do things like that, and that's he was 15,
15 he could have wanted to show it to me.

16 **DEPUTY DISTRICT ATTORNEY DANVILLE:** So when
17 his cousin comes back with this gun, does he say
18 anything to him about the gun or ask him why he's
19 bringing in the gun? Is there a conversation about
20 the gun?

21 **INMATE BAKER:** No, there is not. I just
22 look at and I just says nice. It wasn't nothing
23 where'd this come from or what the purpose you go
24 and do this for. See those are things -- It's like
25 what she's asking, that a responsible person would
26 ask. And my whole frame of mind at that time is I
27 wasn't thinking rationally so I couldn't, I didn't

1 think to ask those questions.

2 **DEPUTY DISTRICT ATTORNEY DANVILLE:** How long
3 before they left the house was it that the cousin
4 brought the gun into the room?

5 **PRESIDING COMMISSIONER FISHER:** Before you
6 guys left to go out, about how long before that do
7 you think he --

8 **INMATE BAKER:** Maybe 30 minutes, 40 minutes,
9 something like that.

10 **DEPUTY DISTRICT ATTORNEY DANVILLE:** How long
11 after he brought the gun out was it before they
12 started smoking the PCP?

13 **INMATE BAKER:** We smoked PCP, like I said,
14 it was just a joint with me, you know. But now
15 they were smoking it and they could have been in
16 contact, I don't know. But I guess about 15
17 minutes after I seen it, that's when they gave it
18 to me and I smoked it.

19 **DEPUTY DISTRICT ATTORNEY DANVILLE:** When did
20 he get the female clothing and the makeup?

21 **INMATE BAKER:** Prior to leaving.

22 **DEPUTY DISTRICT ATTORNEY DANVILLE:** But when
23 prior to leaving?

24 **INMATE BAKER:** That was after all that was
25 done. After all that was done and then I believe
26 my cousin's baby started crying and she said there
27 was no milk in there. And we didn't have a way to

1 get to the store or nothing like that. And so
2 that's when all this, this stuff about going out
3 there and getting a car on the road, stopping and
4 taking their car, basically is what we did. All
5 that happened within that time. That was I guess
6 10, 20 minutes after my smoking PCP all this stuff
7 came up about the dress and all this stuff.

8 **DEPUTY DISTRICT ATTORNEY DANVILLE:** How long
9 did it take him to put on the female makeup?

10 **INMATE BAKER:** It didn't take no time at
11 all.

12 **PRESIDING COMMISSIONER FISHER:** And did you
13 do it before you left the house?

14 **INMATE BAKER:** Actually all I had was a
15 stocking. I didn't have any makeup and lipstick
16 and all. I didn't have that.

17 **PRESIDING COMMISSIONER FISHER:** Okay, and a
18 dress or something?

19 **INMATE BAKER:** Yeah, the dress just dropped
20 right over me.

21 **PRESIDING COMMISSIONER FISHER:** Okay.

22 **DEPUTY DISTRICT ATTORNEY DANVILLE:** How far
23 away from his auntie's house was it where he and
24 Bernice stood by the road flagging down who
25 ultimately turned out to be Mr. Burger?

26 **INMATE BAKER:** Maybe about three, four
27 miles.

1 DEPUTY DISTRICT ATTORNEY DANVILLE: How long
2 did it take them to get that three or four miles?

3 INMATE BAKER: I don't know. I just can't
4 tell you that.

5 PRESIDING COMMISSIONER FISHER: Did you go
6 on foot?

7 INMATE BAKER: Yeah, we walked.

8 DEPUTY DISTRICT ATTORNEY DANVILLE: When
9 they left the house had he seen the other guns yet?

10 INMATE BAKER: Right when we started leaving
11 the house, that's when I seen them. That's when I
12 seen them.

13 DEPUTY DISTRICT ATTORNEY DANVILLE: Was a
14 gun handed to him when they left the house?

15 INMATE BAKER: No, it was not.

16 DEPUTY DISTRICT ATTORNEY DANVILLE: When did
17 he come into possession of the gun?

18 INMATE BAKER: I got possession of the gun
19 after we had got into the vehicle, that's when I
20 got possession of a gun.

21 DEPUTY DISTRICT ATTORNEY DANVILLE: From
22 whom?

23 INMATE BAKER: From my cousin Steven.

24 DEPUTY DISTRICT ATTORNEY DANVILLE: And was
25 he aware that the other two men at that point were
26 armed, the other two young boys?

27 INMATE BAKER: Yes, I was actually.

1 **DEPUTY DISTRICT ATTORNEY DANVILLE:** When
2 they took the car, according to the Appellate
3 Opinion, and I'm reading from page three, the top
4 larger paragraph, it says Burger was ordered out of
5 his car, his wallet was taken, and defendant and
6 their companions got into the Vega and drove off.
7 As they did one said, quote, "don't let the white
8 boy get away," close quote. My question to the
9 inmate is who in the group said don't let the white
10 boy get away?

11 **INMATE BAKER:** It had to be either Steven or
12 Ferris because I was in the car, in the passenger
13 seat. I wouldn't even know that. That's news to
14 my ears right there.

15 **DEPUTY DISTRICT ATTORNEY DANVILLE:** This is
16 making it sound as though as Mr. Burger is getting
17 out of the car and all of the four crime partners
18 are getting -- well, and they're sending Mr. Burger
19 out of the car and they're getting in the car the
20 one says don't let the white boy get away.

21 **INMATE BAKER:** Right, well the one thing --
22 Let me say this, please. Right now she's getting
23 into an area that's murky. Like I'm saying, I was
24 high on PCP at that time, so I'm not going to
25 discount anything that she's reading because that's
26 facts, that is the law of the case, and so whatever
27 she's reading right now I'm going to agree with it.

1 because, like I said, I'm not going to refute that
2 because I accept responsibility. That's what the
3 court of law said happened. That's what happened
4 in my mind and I believe it.

5 **PRESIDING COMMISSIONER FISHER:** Okay, just
6 to clarify, let me ask you. So are you saying that
7 you believe that that probably happened since it's
8 been recorded --

9 **INMATE BAKER:** Absolutely.

10 **PRESIDING COMMISSIONER FISHER:** -- but that
11 you have no memory of it?

12 **INMATE BAKER:** Well some of this, like she
13 was saying about the language that we used, I don't
14 recall that. But I do recall going down there and
15 getting into the vehicle. I remember that.

16 **DEPUTY DISTRICT ATTORNEY DANVILLE:** Does he
17 remember Mr. Burger testifying to that fact during
18 the course of his trial when he wasn't on PCP?

19 **INMATE BAKER:** Absolutely, yes.

20 **DEPUTY DISTRICT ATTORNEY DANVILLE:** Did he
21 ever have a discussion with his crime partners
22 about that statement?

23 **INMATE BAKER:** No. No, Ma'am.

24 **DEPUTY DISTRICT ATTORNEY DANVILLE:** And then
25 the next sentence says Burger heard a shot fired
26 over his head and he fled into the shrubs nearby.
27 My question to the inmate is who fired the shot

1 that went over Mr. Burger's head?

2 **INMATE BAKER:** It was either Ferris or
3 Scobie. They're the only two that had guns at the
4 time. I didn't have a gun getting into the car.

5 **PRESIDING COMMISSIONER FISHER:** It sounds
6 like the, let me just clarify, because I think you
7 might be a little confused too. It's my
8 understanding from reading this that all of this
9 happened when you were all in the car.

10 **DEPUTY DISTRICT ATTORNEY DANVILLE:** That's
11 my understanding as well.

12 **PRESIDING COMMISSIONER FISHER:**
13 (Indiscernible) so the shot that was fired over his
14 head was fired once the four of you were already in
15 the car, just to clarify it.

16 **INMATE BAKER:** Okay if that's the case I was
17 in the front passenger seat. I didn't have a gun.
18 They were in the back, is what I'm saying, and my
19 cousin Bernice was driving the car, so I wouldn't
20 really know that.

21 **PRESIDING COMMISSIONER FISHER:** Okay, you
22 said -- Can I?

23 **DEPUTY DISTRICT ATTORNEY DANVILLE:** Please.

24 **PRESIDING COMMISSIONER FISHER:** Okay. You
25 said earlier that you had gotten possession of a
26 gun once you were in the car.

27 **INMATE BAKER:** Right.

1 **PRESIDING COMMISSIONER FISHER:** At what
2 point?

3 **INMATE BAKER:** Like when we got into the car
4 they were in the back. And when we started
5 driving, going toward the Seven 11, that's when I
6 got possession of a gun.

7 **PRESIDING COMMISSIONER FISHER:** Okay, and
8 how did you get it? Did somebody hand it up to you
9 or did you reach back and get it?

10 **INMATE BAKER:** Yes, my cousin handed it over
11 to me.

12 **PRESIDING COMMISSIONER FISHER:** Okay,
13 thanks.

14 **DEPUTY DISTRICT ATTORNEY DANVILLE:** So if
15 I'm understanding him correctly his cousin didn't
16 hand him a gun until after Mr. Burger was long
17 gone. Is that his testimony today?

18 **INMATE BAKER:** Yes, absolutely.

19 **PRESIDING COMMISSIONER FISHER:** Okay

20 **DEPUTY DISTRICT ATTORNEY DANVILLE:** Okay,
21 then when they went to the next scene, did they go
22 directly to the store on VanBuren and Washington at
23 the Seven 11 there?

24 **INMATE BAKER:** Yes, we did.

25 **DEPUTY DISTRICT ATTORNEY DANVILLE:** Or did
26 they make any stops along the way?

27 **INMATE BAKER:** Directly.

1 **DEPUTY DISTRICT ATTORNEY DANVILLE:** And then
2 at the Seven 11 Store, prior to anyone going in,
3 was there talk of taking another vehicle since
4 another vehicle was ultimately taken?

5 **INMATE BAKER:** No, Ma'am, there wasn't.

6 **DEPUTY DISTRICT ATTORNEY DANVILLE:** Does he
7 recall Bernice coming back out to the car where the
8 three young men were waiting to tell them the
9 condition of the store, that she only saw a female
10 and it was clear, go ahead, go on in?

11 **INMATE BAKER:** That didn't happen. That
12 absolutely did not happen. No, I don't remember
13 nothing like that because the way that went down,
14 when my cousin went in to get the milk, while she
15 was in that store, that's when the decision was
16 made to rob the store. So she didn't know nothing
17 about that. That was between me and my cousin and
18 Ferris. That's when that occurred.

19 **DEPUTY DISTRICT ATTORNEY DANVILLE:** So then
20 if his cousin said that this had all been
21 preplanned and that she actually chose him and the
22 other two because they'd been doing a string of
23 robberies right leading up to this, would she have
24 been lying when she said that?

25 **INMATE BAKER:** Absolutely.

26 **DEPUTY DISTRICT ATTORNEY DANVILLE:** And if
27 she said that the plan was for her to go in, act

1 like a shopper, bring things up to the cash
2 register so that she could scope out the store and
3 see if there were any other people in there besides
4 the clerk, leave the stuff on the counter, say she
5 was going to go out and get money, but really she
6 used that as a ploy to go out and tell them, okay,
7 it's clear, go in and do the robbery. Is that all
8 a lie?

9 **INMATE BAKER:** That's all fabrication,
10 Ma'am, absolutely, absolutely.

11 **DEPUTY DISTRICT ATTORNEY DANVILLE:** So whose
12 idea was it then when the three of them were
13 sitting in the car when Bernice went in to get
14 milk, whose idea was it to do the robbery?

15 **INMATE BAKER:** That was between me and
16 Steven. We kind of tossed that back and forth and
17 as she was coming out we was getting out and going
18 in to rob the store.

19 **DEPUTY DISTRICT ATTORNEY DANVILLE:** Does he
20 recall who thought of it first, him or Steven?

21 **INMATE BAKER:** I can't tell you that. But I
22 will say this here, it's like I said, I accept full
23 responsibility for whoever said what. I accept
24 that responsibility. Like I said, I was the oldest
25 and I could have prevented that crime anywhere
26 along that crime. I didn't. So I was responsible.
27 That was a 15 year old kid. I did that. I'm

1 responsible for that. If you want to know that, I
2 was responsible. Give me the responsibility.

3 **DEPUTY DISTRICT ATTORNEY DANVILLE:** Why did
4 they take a car from the Seven 11?

5 **INMATE BAKER:** Because there happened to
6 just be another vehicle out there and they just
7 wanted to take another car. My cousin Steven, he
8 seen the car, and he asked where the keys was. And
9 I don't know who took him back there but they got
10 the keys and he come out and he got in the other
11 car and I got in the car with him. My cousin
12 Bernice got in the other car with Ferris and the
13 other victims and we drove off.

14 **DEPUTY DISTRICT ATTORNEY DANVILLE:** Was this
15 planned or talked about that it would be one victim
16 in each car with two suspects in each car or did
17 that just kind of happen?

18 **INMATE BAKER:** Well everything happened
19 spontaneously. It's what, you know, it's like,
20 what I've come to learn is this here. It's like
21 they call it control of impulses. This is the
22 terminology that they use. And with me it was the
23 lack of control of impulses. So in other words,
24 impulsivity took over. It's like when we was in
25 the car we was just impulsively doing things.

26 **PRESIDING COMMISSIONER FISHER:** And I think
27 she's just trying to get into how much thought you

1 put into it, so you're saying that you saw the car,
2 he got the keys, and just --

3 **INMATE BAKER:** Got in the car and drove.

4 **PRESIDING COMMISSIONER FISHER:** You just did
5 it?

6 **INMATE BAKER:** Just did it.

7 **PRESIDING COMMISSIONER FISHER:** All right.

8 **DEPUTY DISTRICT ATTORNEY DANVILLE:** Did
9 anyone order the victims into the respective cars?
10 Did anybody take a leadership role in how this
11 kidnapping was going to go down?

12 **INMATE BAKER:** No, I know Ferris left with
13 one victim, and me and Steven was in, we left out
14 second with the other victim into the blue Pinto or
15 whatever that was. So that's the extent of that.
16 It wasn't --

17 **DEPUTY DISTRICT ATTORNEY DANVILLE:** So how
18 did the victims know where to go? Did somebody
19 tell them who to go where or did it just, did
20 somebody physically grab them, or how did that
21 happen?

22 **INMATE BAKER:** What I'm saying, Ferris, I
23 believe it was Ferris had to take the other one to
24 the Pinto, that had to be Ferris. I was driving
25 the blue Pinto because I had the keys. My cousin
26 gave me the keys, and him and the other victim
27 walked and got into the passenger side of the blue

1 Pinto.

2 **PRESIDING COMMISSIONER FISHER:** How did you
3 get the victims in there, did you just tell them
4 (indiscernible)?

5 **INMATE BAKER:** See what it was was like
6 (indiscernible). It's like that was, from my
7 understanding, a mother and daughter. This is what
8 came out in the court. It's like with me and my
9 parent, if my parent was taken up out of there,
10 then yes, you would tell me, you would instruct me
11 and I'm going to go. So that's what happened in
12 that case.

13 **PRESIDING COMMISSIONER FISHER:** Okay, you're
14 getting too far into insight here. We're just
15 looking for facts, okay. What we're trying to do
16 is reconstruct so that we can picture what's going
17 on, okay. So did somebody walk up to the two
18 victims with guns and point the guns at them and
19 say, okay, you get in this car, you get in this
20 car?

21 **INMATE BAKER:** Not, okay, Ferris walked up
22 to, I think it was the mother --

23 **PRESIDING COMMISSIONER FISHER:** Okay, well
24 it doesn't matter.

25 **INMATE BAKER:** Well he walked up to her and
26 he took her out, took her to the car.

27 **PRESIDING COMMISSIONER FISHER:** By how?

1 **INMATE BAKER:** Well he had a gun.

2 **PRESIDING COMMISSIONER FISHER:** Okay, and so
3 he walked up to her and he said come with me, get
4 in the car.

5 **INMATE BAKER:** Right, exactly. Then I had
6 one gun here and I was just standing like behind
7 the counter, in front of the counter, rather, and
8 my cousin Steven went behind the counter, got the
9 other victim, and walked her back to get the car
10 keys and when they came out he walked right with
11 her to the car.

12 **PRESIDING COMMISSIONER FISHER:** Okay, does
13 that answer what you were looking for?

14 **DEPUTY DISTRICT ATTORNEY DANVILLE:** Yes.
15 Then once they released the two women, who fired
16 the shot over their heads?

17 **INMATE BAKER:** I believe that had to be
18 Steven. It had to be. (Indiscernible.) That was
19 Steven because I was driving. Steven was in the
20 passenger seat.

21 **DEPUTY DISTRICT ATTORNEY DANVILLE:** So that
22 came from the car in which inmate was in?

23 **INMATE BAKER:** Absolutely, yes.

24 **DEPUTY DISTRICT ATTORNEY DANVILLE:** Then the
25 next thing I wanted to go to was the Val Dixon
26 incident. I just have a few questions there.
27 According to the Appellate Opinion on page four, it

1 says that as the red Vega came up near Val Dixon,
2 first it asked, somebody asked if Val Dixon needed
3 help. I believe that was Bernice. He says he's
4 okay. The Vega drives off, but when it comes back
5 someone in the car says to Dixon, hey sucker. When
6 he turns in response to that hey sucker, he sees a
7 rifle pointing at him, not two, but one. My first
8 question is who said hey sucker?

9 **INMATE BAKER:** I believe that was me. That
10 was me.

11 **DEPUTY DISTRICT ATTORNEY DANVILLE:** And then
12 it's very clear from here that there is only one
13 gun and not two, and from here I mean the Appellate
14 Opinion. Yet in the Psych Report and the Board
15 Report, it repeatedly talks about two guns being
16 pointed at Mr. Dixon. And I would like to know the
17 inmate's explanation. Is it one gun or is it two
18 guns?

19 **INMATE BAKER:** Like I said earlier, I
20 believe it was two guns. Like I said, I pulled the
21 trigger once. And I'm saying, if they're saying he
22 got shot twice, the other gun had to be there, it
23 had to be there. There were three guns in the car.
24 He got shot twice. I pulled the trigger once. It
25 had to be another gun.

26 **DEPUTY DISTRICT ATTORNEY DANVILLE:** And Mr.
27 Dixon testified at the trial apparently, because

1 this is from the Appellate Opinion that he tried to
2 knock the barrel of the gun away and as he did he
3 was shot twice, indicating from that same gun. Yet
4 in some of the Board Reports and Psych Reports it
5 stated there was a struggle between Mr. Dixon and
6 the inmate over the gun as compared to Mr. Dixon
7 just trying to move it away. So I would like to
8 know what is the inmate's account of what happened?
9 Was there some sort of a struggle between he and
10 Mr. Dixon wherein the gun goes off, or is it as
11 reported in the Appellate Opinion that he's
12 pointing it, saying hey sucker, and as he tries to
13 move the gun it goes off.

14 **INMATE BAKER:** He tried to slap it and it
15 goes off.

16 **DEPUTY DISTRICT ATTORNEY DANVILLE:** Why was
17 Mr. Baker's finger on the trigger of the gun?

18 **INMATE BAKER:** Like I said earlier, I wasn't
19 thinking like logically, but I'm saying well where
20 else would it be? I'm saying, but see I wasn't in
21 my right frame of mind. Everything that the
22 District Attorney is saying, it could be true, all
23 of this. If it's in this paper it's true. The
24 thing I'm saying is if I were in my right frame of
25 mind none of this would have happened. But yeah,
26 my finger was on the trigger I felt because that
27 was the logical place for it to be at that time in

1 that state of mind.

2 **DEPUTY DISTRICT ATTORNEY DANVILLE:** Why was
3 Val Dixon shot?

4 **INMATE BAKER:** Like I said, he slapped at
5 the gun. It wasn't like I was intentionally trying
6 to hurt Mr. Dixon. That wasn't my intention. He
7 slapped at the gun, my finger is on the trigger, it
8 moved and it went off.

9 **DEPUTY DISTRICT ATTORNEY DANVILLE:** But the
10 inmate is saying only once. He is denying that he
11 fired the second shot?

12 **INMATE BAKER:** Absolutely. Absolutely.

13 **DEPUTY DISTRICT ATTORNEY DANVILLE:** When did
14 his brother become a Crip member?

15 **INMATE BAKER:** I can't tell you that.

16 **DEPUTY DISTRICT ATTORNEY DANVILLE:**
17 Approximately. Like within the last two years or
18 three years ago (indiscernible)?

19 **INMATE BAKER:** No, it's been like all his
20 life. For me, and I've been in here almost 25
21 years, so she's asking me to go way back somewhere
22 where I really I don't know. I wasn't with my
23 brother all the time, so I couldn't tell you when
24 he decided to join a gang. I can't tell you that.

25 **DEPUTY DISTRICT ATTORNEY DANVILLE:** I'm not
26 asking for the specific year, I'm just trying to
27 get a gauge of where during the inmate's life it

1 was he became aware his brother was a Crip member?

2 **INMATE BAKER:** That was about when I was 16,
3 15.

4 **DEPUTY DISTRICT ATTORNEY DANVILLE:** Because
5 in the December 18, 1998, Psychological Report on
6 page one under the Section Four entitled Family
7 History, it says no other family members have a
8 history of criminal, substance abuse, or
9 psychiatric problems. So what we heard today about
10 his brother being a Crip member, I'm wondering if
11 he told, and I believe it was Dr. Terrini in '98,
12 yes it was Dr. Terrini. Did you tell Dr. Terrini
13 back in 1998 when the doctor asked him about his
14 family members that he had a brother who was a Crip
15 and who was incarcerated in the system?

16 **INMATE BAKER:** No, I just found out my
17 brother has been incarcerated two weeks ago, so no,
18 I didn't tell him that. And Dr. Terrini never even
19 asked me that because at that time the doctor was
20 asking me specific questions and I was answering
21 like I'm answering now, specifically.

22 **ATTORNEY TARDIFF:** But did he ask you if any
23 other family members were involved in criminal
24 activity?

25 **INMATE BAKER:** There you go, that's the
26 question. As far as I knew, no. I didn't know.

27 **DEPUTY DISTRICT ATTORNEY DANVILLE:** Here it

1 is, okay. And now I'm looking at one of the
2 reports for the Cat X, and this one is dated
3 5/19/95 authored by Psychological Social Worker by
4 the name of Dr. Hansen. And in this report on page
5 four she talks about the inmate telling her that he
6 ran away from home when he was 15 years old because
7 of his parents' alcoholism and drug abuse. Earlier
8 in the hearing the inmate's explanation for the
9 prior burglary, which ultimately landed him in CYA
10 because of his escape, he said the reason he did
11 that burglary was because of his dad's drinking
12 problem. But it seems like from this report to Dr.
13 Hansen that his dad had a drinking problem then.
14 So what was different between his dad's drinking
15 problem during the time he ran away --

16 **INMATE BAKER:** Well prior to that I'd never
17 seen my dad hit my step mom. And when I left at
18 that time my dad hit my step mom and I didn't like
19 that. I didn't appreciate that. And since I was
20 just a kid there was nothing I could physically do
21 to my father, so that's when that happened.

22 **DEPUTY DISTRICT ATTORNEY DANVILLE:** And then
23 in the same report on the same page it says, the
24 paragraph next to the bottom, the inmate was not in
25 the military and stated he had not been married
26 although the C-File indicates that he did marry a
27 girlfriend when he was in county jail on the

1 instant offense. My question to the inmate is why
2 would he tell her that he had not been married when
3 he in fact had been married for six years to this
4 woman?

5 **INMATE BAKER:** Well the only explanation I
6 can give you for that is that's a typo because
7 everybody knows in anything they talked to me is
8 I'm married. I'm proud of my marriage. I love my
9 wife. So it's not like I was trying to hide
10 anything. So that has to be a typo or something,
11 that's all I can put to that.

12 **DEPUTY DISTRICT ATTORNEY DANVILLE:** And the
13 woman that he married when he was in county jail,
14 his first wife, is that the woman who aborted the
15 child that led to his depression, that led to the
16 commitment offense?

17 **INMATE BAKER:** No, Ma'am, it wasn't.

18 **DEPUTY DISTRICT ATTORNEY DANVILLE:** So the
19 woman that he married, how long had he known her?

20 **INMATE BAKER:** I'd known her because I'd met
21 her over a few years. But we didn't really do
22 anything until after I came to court case. My wife
23 then was Annette McCray. She aborted my
24 baby was April Ratliff

25 **DEPUTY DISTRICT ATTORNEY DANVILLE:** And then
26 one thing I wanted to ask him. He was talking
27 about God had directed him to be a jail director

1 and I'm wondering does he have a church and a choir
2 specifically picked out or is this just in general
3 what he wants to do?

4 **INMATE BAKER:** There is a church which is
5 called From the Heart Church Ministries of Southern
6 California. It's located in Pomona. And that's
7 pastored by Reverend Joseph J. Owens. That's one
8 of the pastors that I'm going to speak with. I
9 don't want to sit here and tell you that I've made
10 a definite commitment to him because the Lord may
11 direct me somewhere else.

12 **PRESIDING COMMISSIONER FISHER:** Let me ask
13 you this. How do you know him?

14 **INMATE BAKER:** I've known him through my
15 family.

16 **DEPUTY DISTRICT ATTORNEY DANVILLE:** I have
17 no further questions.

18 **PRESIDING COMMISSIONER FISHER:** All right.
19 Ms. Tardiff, do you --

20 **DEPUTY COMMISSIONER MEJIA:** I have one last
21 question.

22 **PRESIDING COMMISSIONER FISHER:** All right,
23 go ahead.

24 **DEPUTY COMMISSIONER MEJIA:** You claimed
25 earlier that you take leadership or ownership of
26 the group, you were the oldest.

27 **INMATE BAKER:** Absolutely.

1 **DEPUTY COMMISSIONER MEJIA:** Could you
2 explain to me why you weren't aware or very much
3 aware of where the gun came from, the guns came
4 from.

5 **INMATE BAKER:** I didn't even think to ask,
6 Sir, I really didn't. It's like I was saying
7 earlier --

8 **DEPUTY COMMISSIONER MEJIA:** When did you
9 find out that those guns -- The Appellate Report
10 says that the guns were stolen from a hardware
11 store. When did you become aware of that?

12 **INMATE BAKER:** Right now at this very moment
13 when she just mentioned that to me.

14 **DEPUTY COMMISSIONER MEJIA:** So you were
15 under the belief that those rifles were your
16 uncle's?

17 **INMATE BAKER:** My uncle's house, he was a
18 security guard, he's been just brought up, as long
19 as I've known him he's been working in law
20 enforcement.

21 **DEPUTY COMMISSIONER MEJIA:** I've got no
22 other questions.

23 **PRESIDING COMMISSIONER FISHER:** Okay, I just
24 have one follow-up to that one, and it is, well
25 maybe two follow-ups to that one. The first one is
26 when you guys were out walking or looking for a
27 place to do your hitchhiking from, who was carrying

1 the rifles then?

2 **INMATE BAKER:** At that time it had to be.
3 Steven and Ferris, because I was in the dress and I
4 was up there walking in front with my cousin.

5 **PRESIDING COMMISSIONER FISHER:** Okay. Do
6 you remember before you left, so this is a third
7 question. Do you remember before you left if
8 anybody said we ought to bring some guns with us?

9 **INMATE BAKER:** No.

10 **PRESIDING COMMISSIONER FISHER:** Okay, nobody
11 ever said that? Somebody just went and got the
12 guns and brought them?

13 **INMATE BAKER:** Yes, Commissioner.

14 **PRESIDING COMMISSIONER FISHER:** And during
15 the trial, did anybody testify during the trial to
16 the fact that the guns were part of a --

17 **INMATE BAKER:** Well, they separated us so as
18 far as the juveniles I don't know because we were
19 in different proceedings as far as I know.

20 **PRESIDING COMMISSIONER FISHER:** Okay, but
21 you don't remember anybody testifying in your trial
22 about whether they came from the hardware store?

23 **INMATE BAKER:** No, I don't recall that.

24 **PRESIDING COMMISSIONER FISHER:** Okay, that
25 answered my questions. Do you have any questions,
26 Ms. Tardiff?

27 **ATTORNEY TARDIFF:** So originally this whole

1 thing got started because you needed to go
2 .hitchhike --

3 **DEPUTY COMMISSIONER MEJIA:** Okay, we've got
4 to go to another tape.

5 [Thereupon, no further tapes were
6 received for transcription.]

7 --o0o--

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CERTIFICATE AND
DECLARATION OF TRANSCRIBER

I, PATRICIA RICCI, a duly designated transcriber, CAPITOL ELECTRONIC REPORTING, do hereby declare and certify under penalty of perjury that I have transcribed tape(s) which total one in number and cover a total of pages numbered 1 through 84, and which recording was duly recorded at CORRECTIONAL TRAINING FACILITY, at SOLEDAD, CALIFORNIA, in the matter of the SUBSEQUENT PAROLE CONSIDERATION HEARING of FRED BAKER, CDC Number C-22918, on SEPTEMBER 24, 2004, and that the foregoing pages constitute a true, complete, and accurate transcription of the aforementioned tape(s) to the best of my ability.

I hereby certify that I am a disinterested party in the above-captioned matter and have no interest in the outcome of the hearing.

Dated OCTOBER 15, 2004, at Sacramento County, California.


Patricia Ricci
Transcriber
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